# MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

### REGULAR MEETING OF APRIL 16, 2010

(Published April 24, 2010, in Finance and Commerce)

Council Chamber

350 South 5th Street

Minneapolis, Minnesota

April 16, 2010 - 9:30 a.m.

Council President Johnson in the Chair.

Present - Council Members Goodman, Hodges, Samuels, Gordon, Reich, Hofstede, Lilligren, Tuthill, Quincy, Glidden, President Johnson.

Absent - Council Members Schiff, Colvin Roy.

Lilligren moved adoption of the agenda. Seconded.

Glidden moved to amend the agenda to include under "New Business" an ordinance introduction relating to special late hours food licenses. Seconded.

Adopted upon a voice vote 4/16/2010.

Absent - Schiff, Colvin Roy.

The agenda, as amended, was adopted 4/16/2010.

Absent - Schiff, Colvin Roy, Tuthill.

Lilligren moved acceptance of the minutes of the regular meeting of April 2, 2010 and the adjourned meeting of April 8, 2010. Seconded.

Adopted upon a voice vote 4/16/2010.

Absent - Schiff, Colvin Roy.

Lilligren moved referral of petitions and communications and reports of the City officers to the proper Council committees and departments. Seconded.

Adopted upon a voice vote 4/16/2010.

Absent - Schiff, Colvin Roy.

#### PETITIONS AND COMMUNICATIONS

#### CLAIMS:

RISK MANAGEMENT (274168)

Claims: 2009 Tort Claims Summary Report.

### CLAIMS (See Rep):

RISK MANAGEMENT (274167)

Claims: Appeals of decision of Staff Claims Committee.

### **COMMITTEE OF THE WHOLE (See Rep):**

INTERGOVERNMENTAL RELATIONS (274169)

Amendment to 2011 Federal Legislative Agenda.

State Update.

NEIGHBORHOOD SERVICES DEPARTMENT (274170)

Ordinances and Resolutions to update ordinances and resolutions to follow the streamlined open appointments process.

NRP/NCR Consolidation Plan & Timeline adoption.

#### COMMUNITY DEVELOPMENT:

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (274171)

Urban Homeworks Rental Reclaim Project update.

### COMMUNITY DEVELOPMENT (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (274172)

Tubman Project (re 4432 Chicago Ave, Mpls and 1725 Monastery Way, Maplewood): Preliminary & final approval to issue refinancing bonds.

Year 2011 Low Income Housing Tax Credit Procedural Manual & Qualified Allocation Plan.

Affordable Housing Trust Fund & Non-Profit Admnistration Grant: Approve grant & loan for 3631 Penn Ave N project.

Guthrie Theatre: Authorizing execution of documenst to amend Series 2003 Bonds.

### COMMUNITY DEVELOPMENT and T&PW (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (274173)

2010 Hennepin County Transit Oriented Development Grant applications/rankings.

#### COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (274174)

MN Department of Emplyoment & Economic Development: Construction Mitigation Grant award for Central Corridor LRT construction.

Browfield Grant Administrative Fees.

Mpls Neighborhood Stabilization Program 2 Guidelines.

NEIGHBORHOOD REVITALIZATION PROGRAM (NRP) (274175)

East Calhoun Neighborhood NRP Phase II Neighborhood Action Plan.

### PUBLIC SAFETY AND HEALTH:

HEALTH AND FAMILY SUPPORT SERVICES (274176)

Department Goal Setting: Presentation.

### PUBLIC SAFETY AND HEALTH (See Rep):

HEALTH AND FAMILY SUPPORT SERVICES (274177)

Senior Citizen Advisory Committee: Approve Mayoral and City Council appointment of Herbert Nelson, Ward 11.

Minneapolis Advisory Committee on People with Disabilities: Approve Mayoral and City Council appointment of Bonnie Jean Smith, Ward 5.

Healthy Corner Store Program: Authorize implementation of Program, to improve the food environment, a strategy to decrease obesity and related chronic diseases.

### PUBLIC SAFETY AND HEALTH and WAYS & MEANS/BUDGET (See Rep):

FIRE DEPARTMENT (274178)

2009 State Homeland Security Program: Accept \$65,000 grant from United States Department of Homeland Security for exercises, training and equipment to assist the Minnesota Task Force 1 Team; and Approve appropriation.

POLICE DEPARTMENT (274179)

Minneapolis Public Housing Authority: Execute agreement with Public Housing Authority to receive \$69,651 to support a sergeant investigator for one year period over two years; and Approve appropriation.

National Law Enforcement Officer's Memorial Fund: Authorize Police Department donate \$10,000 to National Law Enforcement Officer's Memorial Fund to construct the Museum in Washington, D.C. POLICE DEPARTMENT (274180)

Minneapolis-St. Paul Safe Streets Task Force: Accept grant of \$250,000 from the Minnesota Department of Public Safety for salaries of five officers assigned to task force; and Approve appropriation.

2009 Homeland Security Grant Program: Execute grant agreement with Minnesota Department of Homeland Security and Emergency Management to receive \$53,050 for Bomb Disposal Unit for planning, training and equipment; and Approve appropriation.

PUBLIC WORKS AND ENGINEERING (274181)

Police Department Storage: Negotiate and execute amendment to lease agreement with Classic Space, Incorporated for reduced amount of lease space.

### REGULATORY, ENERGY AND ENVIRONMENT:

COORDINATOR (274182)

2010 Green Print Sustainability Report.

### REGULATORY, ENERGY AND ENVIRONMENT (See Rep):

LICENSES AND CONSUMER SERVICES (274183)

Licenses: Applications.

LICENSES AND CONSUMER SERVICES (274184)

Rock Bottom Brewery (800 LaSalle Av): Grant On-Sale Liquor Class A with Sunday Sales License (expansion of premises to enlarge sidewalk cafe from 32 to 84 seats).

Leaning Tower of Pizza (2501 University Av SE): Approve Business License Operating Conditions relating to On-Sale Liquor Class E with Sunday Sales and Tobacco Licenses.

A+ Stump Grinding (8114 Park Av, Bloomington): Approve Business License Operating Conditions relating to Tree Servicing License.

REGULATORY SERVICES (274185)

Traffic Control: Ordinance authorizing traffic control agents to issue administrative citations and clarifying the manner in which parking code citations should be issued.

42nd Avenue Ballroom (705 42nd Av N): Revoke Rental Hall License.

#### REGULATORY, ENERGY AND ENVIRONMENT and WAYS & MEANS/BUDGET (See Rep):

PUBLIC WORKS AND ENGINEERING (274186)

Recycling: Ordinances making compliance with Title 11, Chapter 225, Article VI relating to recycling at buildings having two or more dwelling units a licensing standard; and amending notice, enforcement, and penalty provisions relating to recycling at buildings having two or more dwelling units. REGULATORY SERVICES (274187)

Homeland Security and Emergency Management Grant: Accept 2009 MMRS grant of \$642,442 to support ongoing efforts of Metropolitan Medical Response System; and Approve appropriation.

Bid for South District Weed Cutting and Related Services: OP #7254, accept low bid of Gihl Lawn and Snow to accomplish weed cutting and related services through May 31, 2011.

#### TRANSPORTATION AND PUBLIC WORKS:

CENTERPOINT ENERGY (274188)

Utility Pole: Installed at 2920 Weeks Ave SE.

PUBLIC WORKS AND ENGINEERING (274189)

Annual Report of 2010 Minneapolis Stormwater Management Program and 2009 Activities: Set public hearing.

Draft Parking Fund Financial Report: Receive and file.

Traffic Zones, Restrictions, and Controls: 2010 first quarter report.

### TRANSPORTATION AND PUBLIC WORKS (See Rep):

PUBLIC WORKS AND ENGINEERING (274190)

Special Assessment Deferments: a) 3921 28th Ave S; and b) 1840 26th St E.

Pump Station No 4 Renovation: Increase contract with Madsen-Johnson Corporation.

Collaborative Research Partnership: Agreement with Dow Chemical.

Loring Greenway Landscape Amenities: Agreement with Loring Greenway Association.

Minneapolis Pedestrian Advisory Committee: a) Update membership structure; b) Appoint members; and c) Solicit applications.

2010 Alley Resurfacing Program No FS10#1: Project designation.

Nicollet Ave Street Resurfacing Project No 5212 (Minnehaha Creek to 58th St): Project designation.

Chicago Ave Street Resurfacing Project No 5209: Project designation.

#### TRANSPORTATION AND PUBLIC WORKS and WAYS & MEANS/BUDGET (See Rep):

PUBLIC WORKS AND ENGINEERING (274191)

Bus Shelters Franchise: Ordinance amending Appendix G of Code to allow interim extension of contract with CBS Outdoor to June 30, 2010.

University of Minnesota Trail, Phase III: Interagency agreement.

Chicago Ave Bridge over I-94: Cost participation with State of Minnesota.

Franklin Ave & E River Pkwy Intersection Improvements: Cost participation agreement with Hennepin County.

Pedestrian Improvement Project: a) Contract with Minnesota Ballpark Authority for cost participation; and b) Agreement with Target Center (AEG).

Graffiti Abatement Services: Contracts with a) Mobile Washers; and b) Sani-Masters.

Pilot Program for Alternate Method to Collect Recyclables: Grant application; Comments.

On-Street Parking Meter System: a) Contracts with Cale, IPS, and POM; b) RFP for parking enforcement devices; and c) Increase appropriation.

Pothole Repair Crews: Increase appropriation.

Bid: OP 7260, Accept low bids from Commercial Asphalt Company and Midwest Asphalt Corporation for bituminous mixtures.

### TRANSPORTATION AND PUBLIC WORKS and W&M/BUDGET and Z&P (See Rep):

PUBLIC WORKS AND ENGINEERING (274192)

Pioneers and Soldiers Cemetery Fence Rehabilitation Project: a) Accept State Historic Preservation Office Grand-In-Aid awards; b) Accept donation from Friends of the Cemetery; and c) Increase appropriation.

### **WAYS AND MEANS BUDGET:**

FINANCE DEPARTMENT (274193)

2010 Supplemental Budget: Overview.

### WAYS AND MEANS BUDGET (See Rep):

ATTORNEY (274194)

Legal Settlements: a) Thomas Davison; b) Leeroi Jointer; and c) Latora Powers.

Kennedy & Graven: Amendment contract for legal services.

Council on Crime and Justice: Execute 21-month contract for victim/witness liaison services.

BUSINESS INFORMATION SERVICES (BIS) (274195)

Environmental Systems Research Institute (ESRI): Execute contract to grant ESRI a Contributor License and allow the City to participate in the ArcGIS Online Content Sharing Program.

COMMUNICATIONS (274196)

May 2010 Utility Billing Insert: City Coordinator-Sustainability about the presence of emerald ash borer in Minneapolis.

Minneapolis Television Network (MTN): Execute new five-year leas agreement with Deacon Flats, LLC for the facility at St. Anthony Main.

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (274197)

5 Points "Delisi's" Public Art Project: Amend contract with Stone/Pitz public artist/landscape architect team to waive Stone's copyrights to designs; and to terminate agreement with Stone.

FINANCE DEPARTMENT (274198)

Capital Long-Range Improvement Committee (CLIC) Appointment: Laura Jean to fulfill the unexpired term of Alena Chaps.

Refunding of General Obligation Bonds: Debt service savings.

MINNEAPOLIS CONVENTION CENTER (274199)

Bike Share Program: Authorize payment to Nice Ride Minneapolis for bikes and kiosks for the Convention Center and related facilities.

MINNEAPOLIS PARK & RECREATION BOARD (274200)

McKinstry Energy Efficiency Project: Requesting Board of Estimate & Taxation to issue Self-Supporting General Obligation Bonds.

2010 Capital Improvement Projects: Amend Resolution 2009R-590 to identify projects.

NEIGHBORHOOD AND COMMUNITY RELATIONS (274201)

Wireless Community Benefits: Approve additional application for Teen Challenge.

#### **ZONING AND PLANNING**

PLANNING COMMISSIONI/DEPARTMENT (274201.1)

University District Zoning & Planning Regulatory Review Task Force: Summary report, receive and file.

### **ZONING AND PLANNING (See Rep):**

HERITAGE PRESERVATION COMMISSION (274202)

Appeal: Prospect Park & East River Road Improvement Association - extension of interim protection

INSPECTIONS/BOARD OF ADJUSTMENT (274203)

Appeal: West Bank Business Association: Off Premise Advertising/Way-finding signs

PLANNING COMMISSION/DEPARTMENT (274204)

Wagner Partners: vicinity of 6024 Penn Ave S

Adoption of North Loop Small Area Plan

Lighting Standards for Service Area Pump Island Canopies (ZCTA)

#### FILED:

CHARTER COMMISSION (274205)

Redistricting Task Force: a) Citizens League article on redistricting; b) League of Women Voters/Common Cause PowerPoint Presentation on redistricting reform; c) Model Legislation for Transparency of Redistricting Process; and d) Memos from Clerk's office summarizing scope of request for research.

SHAMROCK DEVELOPMENT (274206)

Vacate a portion of 12th Ave S lying northerly of 2nd St S.

The following reports were signed by Mayor Rybak on April 19, 2010, unless noted otherwise. Minnesota Statutes, Section 331A.01, Subd 10, allows for summary publication of ordinances and resolutions in the official newspaper of the city.

#### REPORTS OF STANDING COMMITTEES

### The AUDIT Committee submitted the following report:

**Audit** - Your Committee, having under consideration one City Council citizen appointment to the Audit Committee for a three year term, to expire 1/13/2013, now recommends that the following applications be sent forward for City Council consideration, in accordance with Sections 17.90 and 14.180 of the Minneapolis Code of Ordinances: Stuart Bonniwell, Lariza Carlson, Margaret Egan, Darrell Ellsworth, Melissa Engels, Judith Hagerty, Katherine Hardie, Nicholas Kakos, Chris Koelfgen, Daren Nyquist, Clark Olsen, Jerome Rokke, Kathleen Shea, Sven Wehrwein and Stephanie Woodruff.

Your Committee further recommends appointment of Darrell Ellsworth as the City Council appointment to the Audit Committee for a three year term, to expire 1/13/2013.

Your Committee further recommends confirmation of the Mayoral appointment of Stephanie Woodruff to the Audit Committee for a three year term, to expire 1/13/2013.

Adopted 4/16/2010.

Absent - Reich, Schiff, Colvin Roy.

### The CLAIMS Committee submitted the following reports:

**Claims** - Your Committee, having under consideration the appeal filed by Lori Robinson, 2909 38th Ave S, Minneapolis, from the decision of the Staff Claims Committee denying a claim in the amount of \$60.02 relating to missing property (recycling bin and reusable recycling bags), now recommends that said appeal be granted in the amount of \$30.01.

Adopted 4/16/2010.

Absent - Reich, Schiff, Colvin Roy.

**Claims** - Your Committee, having under consideration the appeal filed by Joan Adams, 3839 Hart Blvd, Columbia Heights, from the decision of the Staff Claims Committee denying a claim in the amount of \$10,000 relating to vehicle damage and personal injury, now recommends that said appeal be denied. Adopted 4/16/2010.

Absent - Reich, Schiff, Colvin Roy.

**Claims** - Your Committee, having under consideration the appeal filed by Laveka Belyeu, 2403 5th St NE, Minneapolis, from the decision of the Staff Claims Committee denying a claim in the amount of \$6,400 relating to the sale of a vehicle, now recommends that said appeal be denied.

Adopted 4/16/2010.

Absent - Reich, Schiff, Colvin Roy.

**Claims** - Your Committee, having under consideration the appeal filed by Keenan Blalark, 3125 Holmes Ave S, Minneapolis, from the decision of the Staff Claims Committee denying a claim in the amount of \$158 relating to vehicle towinig, now recommends that said appeal be denied.

Adopted 4/16/2010.

Absent - Reich, Schiff, Colvin Roy.

**Claims** - Your Committee, having under consideration the appeal filed by Tyler Cody, 1022 12th Ave SE, Minneapolis, from the decision of the Staff Claims Committee denying a claim in the amount of \$138 relating to vehicle towing, now recommends that said appeal be denied.

Adopted 4/16/2010.

Absent - Reich, Schiff, Colvin Roy.

**Claims** - Your Committee, having under consideration the appeal filed by Ismail Ibrahim, 828 Spring St NE, Minneapolis, from the decision of the Staff Claims Committee denying a claim in the amount of \$138 relating to vehicle towing, now recommends that said appeal be denied.

Adopted 4/16/2010.

Absent - Reich, Schiff, Colvin Roy.

**Claims** - Your Committee, having under consideration the appeal filed by Vivian Mason, 2849 Burnham Blvd, Minneapolis, from the decision of the Staff Claims Committee denying a claim in the amount of \$2,070.53 relating to vehicle damage, now recommends that said appeal be denied.

Adopted 4/16/2010.

Absent - Reich, Schiff, Colvin Roy.

**Claims** - Your Committee, having under consideration the appeal filed by James Meffert, 4354 Manitow Rd, Tonka Bay, from the decision of the Staff Claims Committee denying a claim in the amount of \$392.56 relating to vehicle towing and damage, now recommends that said appeal be denied.

Adopted 4/16/2010.

Absent - Reich, Schiff, Colvin Roy.

**Claims** - Your Committee, having under consideration the appeal filed by Mark Spotts, 3925 Blaisdell Ave, Minneapolis, from the decision of the Staff Claims Committee denying a claim in the amount of \$224.15 relating to vehicle damage, now recommends that said appeal be denied.

Adopted 4/16/2010.

Absent - Reich, Schiff, Colvin Roy.

**Claims** - Your Committee, having under consideration the appeal filed by Sally Warlick, 1517 LaSalle Ave S, Minneapolis, from the decision of the Staff Claims Committee denying a claim in the amount of \$23,800 relating to bodily injury from a slip and fall, now recommends that said appeal be denied.

Adopted 4/16/2010.

Absent - Reich, Schiff, Colvin Roy.

**Claims** - Your Committee, having under consideration the appeal filed by David Wetzell, 2009 Garfield Ave S, Minneapolis, from the decision of the Staff Claims Committee denying a claim in the amount of \$138 relating to vehicle towing, now recommends that said appeal be denied.

Adopted 4/16/2010.

Absent - Reich, Schiff, Colvin Roy.

#### The COMMITTEE OF THE WHOLE submitted the following reports:

**Comm of the Whole** - Your Committee recommends that the City's Fiscal Year 2011 Federal Legislative Agenda, adopted February 12, 2010, be further amended by including the following language in the Policy Initiatives Section:

Lawful Permanent Residents: Equal Treatment. Under current federal law gay and lesbian couples are not permitted to sponsor foreign-born life partners or spouses for residency in the United States. Congress is urged to support legislation that would permit such sponsorship provided that applicants would be subject to the same interview process as married couples; that the American partner would be required to sign an affidavit committing to support the foreign national partner for a specified amount of time and that the legislation does not redefine marriage.

Your Committee further recommends passage of the accompanying resolution in support of the Uniting American Families Act (HR 1024/SF424).

Adopted 4/16/2010.

Resolution 2010R-144, Supporting the Uniting American Families Act (HR 1024/SF 424), was adopted 4/16/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

### RESOLUTION 2010R-144 By Schiff and Lilligren

### Supporting the Uniting American Families Act (HR 1024/SF 424).

Whereas, current U.S. immigration law discriminates against a U.S. citizen or lawful permanent resident and his or her foreign born partner by not allowing the sponsorship of the foreign partner for immigration benefits, although an opposite-sex couple would have the right to do so; and

Whereas, the limited legal options for same-sex partners to keep their relationship unified exacts enormous emotional, financial, and mental toll, disproportionate to opposite-sex couples bi-national relationships; and

Whereas, currently pending in Congress is the Uniting American Families Act (HR 1024/S 424), reintroduced on February 12, 2009, by Representative Jerrold Nadler (D-NY) and Senator Patrick Leahy (D-VT). The bill is intended to "amend the Immigration and Nationality Act to eliminate discrimination in the immigration laws by permitting permanent partners of U.S. citizens and lawful permanent residents to obtain lawful permanent residents to obtain lawful permanent resident status in the same manner as spouses of citizens and lawful permanent residents and to penalize immigration fraud in connection with permanent relationships"; and

Whereas, the Uniting American Families Act would allow same-sex relationships to be treated no differently from opposite sex relationships and all legal requirements of qualifying under the statute and providing the good faith nature of their relationship would remain; and

Whereas, the Uniting American Families Act would bring US immigration law in line with 19 other countries that recognize same sex partners for immigration purposes;

Now, Therefore, Be It Resolved By The City Council of The City of Minneapolis:

That the City of Minneapolis supports the passage of the Uniting American Families Act and urges the state's Congressional delegation to support its passage.

Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

**Comm of the Whole** - Your Committee recommends the formation of a Metropolitan Council work group with participation from city staff, the City Council, and the Mayor's office. The City Coordinator, in cooperation with IGR staff, will identify city staff participants to the work group, the Council President will select council member participants, and the recommendations of the work group will be presented to the Mayor and City Council by November 30, 2010.

Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

**Comm of the Whole** - Your Committee, to whom was referred ordinances amending the Minneapolis Code of Ordinances relating to the establishment of City of Minneapolis Boards, Commissions, Committees, Task Forces or similar organizations to revise term dates to match the city's twice yearly appointment process, now recommends that the following ordinances be given their second reading for amendment and passage:

- a. Amending Title 2, Chapter 14 relating to Administration: In General;
- b. Amending Title 2, Chapter 35 relating to *Administration: Capital Long Range Improvement Program Process*;

- c. Amending Title 2, Chapter 36 relating to Administration: Arts Commission;
- d. Amending Title 9, Chapter 172 relating to Fire and Police Protection: Civilian Police Review Authority;
  - e. Amending Title 12, Chapter 242 relating to Housing: Appeals;
- f. Amending Title 17, Chapter 438 relating to Streets and Sidewalks: Uptown Special Service District:
- g. Amending Title 17, Chapter 444 relating to Streets and Sidewalks: Dinkytown Special Service District;
- h. Amending Title 17, Chapter 446 relating to *Streets and Sidewalks*: Central Avenue Special Service District;
- i. Amending Title 17, Chapter 448 relating to Streets and Sidewalks: Nicollet Avenue South Special Service District;
- j. Amending Title 17, Chapter 450 relating to *Streets and Sidewalks*: *Stadium Village Special Service District*:
- k. Amending Title 17, Chapter 452 relating to Streets and Sidewalks: 43rd Street West and Upton Avenue South Special Service District;
- I. Amending Title 17, Chapter 454 relating to *Streets and Sidewalks*: South Hennepin Avenue Special Service District;
- m. Amending Title 17, Chapter 456 relating to Streets and Sidewalks: Franklin Avenue East Special Service District;
- n. Amending Title 17, Chapter 457 relating to Streets and Sidewalks: 48th Street East and Chicago Avenue South Special Service District;
- o. Amending Title 17, Chapter 458 relating to *Streets and Sidewalks*: *Hennepin Theatre District Special Services District*;
- p. Amending Title 17, Chapter 460 relating to Streets and Sidewalks: Bloomington-Lake Special Service District:
- q. Amending Title 17, Chapter 461 relating to *Streets and Sidewalks*: *Chicago-Lake Special Service District*;
- r. Amending Title 17, Chapter 462 relating to *Streets and Sidewalks*: East Lake Street Special Service District;
- s. Amending Title 17, Chapter 463 relating to Streets and Sidewalks: Lyndale-Lake Special Service District;
  - t. Amending Title 20, Chapter 525 relating to Zoning Code: Administration and Enforcement; and
- u. Amending Title 23, Chapter 599 relating to *Heritage Preservation: Heritage Preservation Regulations*.

Your Committee further recommends passage of the accompanying Resolutions amending Resolutions relating to the establishment of City of Minneapolis Boards, Commissions, Committees, Task Forces or similar organizations to remove references to term dates to align with the city's twice yearly appointment process as specified in Title 2 Chapter 14, section 14.180.

Your Committee also recommends that the policy issue related to citywide attendance policies for City of Minneapolis Boards, Commissions, Committees, Task Forces, or similar organizations be referred to staff for further development.

Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

Ordinance 2010-Or-019 amending Title 2, Chapter 14 of the Minneapolis Code of Ordinances relating to *Administration: In General*, amending Section 14.180 to institute the twice yearly appointment cycle for the open appointments process for city boards, commissions, task forces or similar organizations, was adopted 4/16/2010 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2010-Or-019
By Lilligren
Intro & 1st Reading: 2/26/2010
Ref to: Comm of the Whole
2nd Reading: 4/16/2010

Amending Title 2, Chapter 14 of the Minneapolis Code of Ordinances relating to Administration: In General.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 14.180 of the above-entitled ordinance be amended to read as follows:

14.180. Boards, commissions, committees, task forces or similar organizations: Creation and Appointment Process. (a) *Principles*: The city shall create and support organizations that enhance community engagement in the city's decision-making process.

The city shall have a clear and easily accessible appointment system, available to all interested parties, and a recruitment process that ensures diversity of representation and ideas and takes into consideration the city's commitment to civil rights, affirmative action and geographic distribution wherever possible.

- (b) Responsibilities:
  - (1) The city council shall determine whether to use the city's open appointment process or make direct appointments.
  - (2) The mayor and city council, as the appointing authorities, are responsible for oversight of the recruiting and screening of applicants, and evaluation and recognition of accomplishments.
  - (3) The city clerk shall administer the open appointments process, develop procedures and standards and assist departments with the creation of organizations and processing of appointments.
  - (4) Departments shall support organizations under their jurisdiction according to the standards established by the city clerk. Support includes recruiting and coordinating appointments, staffing meetings, evaluating accomplishments and keeping records.
- (c) Creation of city boards, commissions, committees, task forces or similar organizations: Council actions creating such organizations shall state:

### Organization

- (1) The name, purpose and total number and type of members of the organization.
- (2) The city department or division that will assist the organization.
- (3) Resource requirements including budget for the organization, if any.
- (4) Reporting requirements and a date when a final report, if any, will be due.
- (5) When the organization will cease to exist (sunset provision) if applicable.
- (6) How the chairperson and other officers will be selected.

### Membership

- (1) Who appoints or designates original and succeeding members.
- (2) What special membership qualifications are necessary or desirable.
- (3) Whether residency is required.
- (4) If a public hearing is required for prospective appointees.
- (5) The term of office length of each member, including the day, month and year the term expires number of term limits (if applicable), and whether terms are staggered or not.
- (6) Whether members will receive compensation or privileges.
- (7) Any meeting attendance requirements to retain membership.
- (8) Limitations on reappointment, if any.
- (d) Open appointments process for city boards, commissions, committees, task forces or similar organization:

Appointment cycles: The City of Minneapolis shall use twice yearly appointment cycles unless otherwise specified. Interim appointments shall be made as needed.

Application process:

- (1) A minimum of three (3) weeks time shall be allowed for the filing of applications and a reasonable time for the consideration of any applications. The application period may be shortened by mutual consent of the board staff and the appointing authority.
- (2) Citizens may nominate themselves or other persons, as candidates.
- (3) Incumbents seeking reappointment must fully complete a re-application form.
- (4) Incumbents maintain their member status until a successor is appointed unless specifically precluded by the bylaws of the organization or city council action.
- (5) If there are additional vacancies within twelve (12) months after closing the original application process, the appointing authority(s) may fill the vacancies from among the original applicants without reopening the process.

  Selection process:
- (1) Applicants wishing to withdraw from consideration during the selection process must submit a letter to the city clerk.
- (2) Appointments must have council approval unless otherwise specified in the originating resolution city council action.
- (3) Upon appointment, before assuming full member rights and responsibilities, all members are required to sign an oath of office administered by the city clerk per the City Charter, Chapter 2, Section 18 and Minnesota Statutes 358.05. Extension of the selection process:
- (1) If necessary to achieve greater geographical or protected class representation, the appointing authority may extend the application period or re-advertise vacancies.
- (2) If the appointing authority determines there are an insufficient number of qualified applicants for a vacancy, it may either reopen the process or suggest applicants who must file an application form prior to action by the city council.

Residency requirements and exemptions for the open appointments process: All appointments made under the open appointments process shall be made from persons who are residents of the City of Minneapolis. Continuing residence within the corporate limits of the City of Minneapolis shall be a condition of all appointees under this process to hold the office or position to which they were appointed. No appointment of a nonresident under the open appointments process will become effective unless a waiver of residency has been approved by a majority vote of the city council. The residency requirement may be waived when:

- (1) The appointment is by law or by practice and custom made by another organization or unit of government; or
- (2) The person otherwise eligible for appointment is an officer or director of a business or organization that pays property taxes to the City of Minneapolis; or
- (3) The appointment relates to a person whose knowledge or expertise provides a unique or special benefit to the board, commission, committee, task force or similar organization, if residency is waived by the city council.

Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

Ordinance 2010-Or-020 amending Title 2, Chapter 35 of the Minneapolis Code of Ordinances relating to *Administration: Capital Long Range Improvement Program Process*, amending Sections 35.10 & 35.60 to make appointment of members of the Capital Long Range Improvement Committee consistent with the open appointments process outlined in Minneapolis Code of Ordinances Title 2, Chapter 14.180, was adopted 4/16/2010 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2010-Or-020
By Lilligren
Intro & 1st Reading: 2/26/2010
Ref to: Comm of the Whole
2nd Reading: 4/16/2010

Amending Title 2, Chapter 35 of the Minneapolis Code of Ordinances relating to Administration: Capital Long Range Improvement Program Process.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 35.10 of the above-entitled ordinance be amended to read as follows:

**35.10.** Established; membership. There is hereby created and subject to the limitation on powers of the committee therein, a Minneapolis Capital Long Range Improvement Committee which shall consist of thirty-three (33) members. The city council shall appoint twenty-six (26) members and the mayor shall appoint seven (7) members. All board members shall be appointed in conformance with the open appointments as outlined in Minneapolis Code of Ordinances Title 2, Chapter 14.180.

Section 2. That Section 35.60 of the above-entitled ordinance be amended to read as follows:

**35.60.** Capital process. The city's capital program should include capital projects of the city council/mayor controlled departments, the Minneapolis Park and Recreation Board, the neighborhood revitalization program, the municipal building commission, <u>and</u> the youth coordinating board and the library board. The committee shall evaluate the capital expenditures of the above named units of government within the context of other capital expenditures made within the boundaries of the City of Minneapolis by the <u>Minneapolis Community Development Agency Community Planning and Economic Development Department</u>, the Minneapolis Public Housing Authority, Metropolitan Sports Facilities Commission, Hennepin County, Special School District Number One, Metropolitan Council, State of Minneapolis.

The capital program shall include all sources and uses of financial resources used to acquire, replace, or increase the useful life of the city's real assets. Estimates shall be made concerning the operating budget impact associated with each capital project.

The capital program shall include an assessment of the condition and replacement value of the city's real assets as determined by the city engineer and the city finance officer. The capital program shall be developed within the context of the City of Minneapolis' comprehensive plan.

The committee shall present the city's proposed capital program to the mayor not later than the second Friday in August of each year. The committee shall establish guidelines dealing with project submissions, schedules, project ranking criteria, forms, and the program document. The city council and mayor shall review, modify as deemed necessary, and approve the guidelines used by the committee.

The committee shall hold at least one joint public hearing on the city's capital program with the planning commission. The hearing shall occur before the city's capital improvement program is submitted to the mayor. A summary of the public comments at the public hearing shall be included in the capital program document. The mayor and city council shall modify, amend, or adopt the capital program as part of the annual budget process. This chapter shall become effective January 1, 1998.

Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

Ordinance 2010-Or-021 amending Title 2, Chapter 36 of the Minneapolis Code of Ordinances relating to *Administration: Arts Commission*, amending Section 36.40 to make appointment of members of the Arts Commission consistent with the open appointments process outlined in Minneapolis Code of Ordinances Title 2, Chapter 14.180, was adopted 4/16/2010 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2010-Or-021
By Lilligren
Intro & 1st Reading: 2/26/2010
Ref to: Comm of the Whole
2nd Reading: 4/16/2010

Amending Title 2, Chapter 36 of the Minneapolis Code of Ordinances relating to Administration: Arts Commission.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Sections 36.40 (a) and (b) of the above-entitled ordinance be amended to read as follows:

- **36.40. Membership.** (a) The commission shall consist of seventeen (17) members serving without pay, five (5) of whom shall be individual practicing artists, seven (7) of whom shall be lay persons, and five (5) of whom shall be administrative staff or board members of arts organizations. The mayor shall appoint eight (8) members with the consent and approval of the city council. The president of the city council shall appoint nine (9) members with the consent and approval of the city council. All board members shall be appointed in conformance with the open appointments process as outlined in Minneapolis Code of Ordinances Title 2, Chapter 14.180.
- (b) The mayor shall appoint one artist, two (2) lay persons, and one member of the administrative staff or board of an arts organization; and the president shall appoint two (2) artists, two (2) lay persons and one member of the administrative staff or board of an arts organization for a term to terminate on January 31, 1976. The mayor shall appoint one artist, two (2) lay persons and one member of the administrative staff or board of an arts organization and the president shall appoint one artist, one lay person and two (2) members of the administrative staff or board of an arts organization for a term to terminate on January 31, 1977. Thereafter, all members shall be appointed for two-year terms, which shall terminate on January thirty-first of the second year following the year of their appointment. Members shall continue to serve until their successors have been appointed and confirmed.

Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

Ordinance 2010-Or-022 amending Title 9, Chapter 172 of the Minneapolis Code of Ordinances relating to *Fire and Police Protection: Civilian Police Review Authority*, amending Section 172.30 to make appointment of members of the Civilian Police Review Authority consistent with the open appointments process outlined in Minneapolis Code of Ordinances Title 2, Chapter 14.180, was adopted 4/16/2010 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2010-Or-022
By Lilligren
Intro & 1st Reading: 2/26/2010
Ref to: Comm of the Whole
2nd Reading: 4/16/2010

Amending Title 9, Chapter 172 of the Minneapolis Code of Ordinances relating to Fire and Police Protection: Civilian Police Review Authority.

The City Council of the City of Minneapolis do ordain as follows: Section 1. That Section 172.30 (a) of the above-entitled ordinance be amended to read as follows: 172.30. Review authority membership. (a) *Composition*. The review authority shall be comprised of eleven (11) members, six (6) of whom shall be appointed by the city council, and five (5) of whom shall be appointed by the mayor, subject to the approval of a majority of the city council. All board members shall be appointed in conformance with the open appointments as outlined in Minneapolis Code of Ordinances Title 2, Chapter 14.180. The members shall serve for terms of four (4) years. From the members, a chairperson and vice-chairperson of the review authority shall be appointed by the mayor, for staggered terms of two (2) years, subject to the approval of a majority of the city council. The vice-chairperson shall only have chairperson duties in the absence of the chairperson. In the absence of a chairperson or vice-chairperson, the chairperson or vice-chairperson may designate an acting chairperson to serve until the next board meeting or until a chairperson is duly appointed. If the chairperson or vice-chairperson are unable for any reason to designate an acting chairperson, the board shall appoint an acting chairperson to serve until the next board meeting or until a chairperson is duly appointed. The acting chairperson shall have full authority to conduct actions of the chairperson. All members shall continue to serve until their successors have been appointed. A majority of the members shall constitute a quorum.

Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

Ordinance 2010-Or-023 amending Title 12, Chapter 242 of the Minneapolis Code of Ordinances relating to *Housing: Appeals*, amending Section 242.10 to make appointment of members of the Housing Board of Appeals consistent with the open appointments process outlined in Minneapolis Code of Ordinances Title 2, Chapter 14.180, was adopted 4/16/2010 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2010-Or-023
By Lilligren
Intro & 1st Reading: 2/26/2010
Ref to: Comm of the Whole
2nd Reading: 4/16/2010

Amending Title 12, Chapter 242 of the Minneapolis Code of Ordinances relating to Housing: Appeals.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 242.10 of the above-entitled ordinance be amended to read as follows: 242.10. Board created; membership, terms, compensation. A housing board of appeals is hereby created. The board shall consist of the director of inspections or designee, chief of fire prevention bureau or designee, commissioner of health or designee, eight (8) public members, and one (1) alternate who must be residents of Minneapolis, to be appointed by the city council; with the supervisor of housing inspection and an attorney representing the city attorney's office, and the Executive Director of the Minneapolis Community Development Agency or designee as ex officio members. All public members shall be appointed in conformance with the open appointments as outlined in Minneapolis Code of Ordinances Title 2, Chapter 14.180. One of the public members shall be a member of the Greater Minneapolis Area Association of Realtors. Each of the eight (8) public members and the alternate shall serve for a term of two (2) years and until a successor has been appointed and qualified. The public member alternate shall serve in the absence of any of the eight (8) public members. Each public member of the board shall be compensated fifty dollars (\$50.00) per meeting attended, not to exceed six hundred dollars (\$600.00) per year.

Adopted 4/16/2010.

Ordinance 2010-Or-024 amending Title 17, Chapter 438 of the Minneapolis Code of Ordinances relating to *Streets and Sidewalks: Uptown Special Service District*, amending Section 438.90 to make appointment of members of the Uptown Special Service District Advisory Board consistent with the open appointments process outlined in Minneapolis Code of Ordinances Title 2, Chapter 14.180, was adopted 4/16/2010 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2010-Or-024
By Lilligren
Intro & 1st Reading: 2/26/2010
Ref to: Comm of the Whole
2nd Reading: 4/16/2010

Amending Title 17, Chapter 438 of the Minneapolis Code of Ordinances relating to Streets and Sidewalks: Uptown Special Service District.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 438.90 (a) of the above-entitled ordinance be amended to read as follows: 438.90. Advisory board. (a) An advisory board to be known as the Uptown Special Service District Advisory Board consisting of nine (9) members, who are residents of the district or owners of property within the district, shall be appointed by the city council for terms of two (2) years beginning on January first of each odd-numbered year, the first term to commence January 1, in 1987. All board members shall be appointed in conformance with the city's open appointments ordinance as outlined in Minneapolis Code of Ordinances Title 2, Chapter 14.180. Any vacancy in an unexpired term shall be filled in the same manner as the original appointment was made and shall be for the unexpired term. Board members shall serve until their successors are appointed.

Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

Ordinance 2010-Or-025 amending Title 17, Chapter 444 of the Minneapolis Code of Ordinances relating to *Streets and Sidewalks: Dinkytown Special Service District*, amending Section 444.90 to make appointment of members of the Dinkytown Special Service District Advisory Board consistent with the open appointments process outlined in Minneapolis Code of Ordinances Title 2, Chapter 14.180, was adopted 4/16/2010 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2010-Or-025
By Lilligren
Intro & 1st Reading: 2/26/2010
Ref to: Comm of the Whole
2nd Reading: 4/16/2010

Amending Title 17, Chapter 444 of the Minneapolis Code of Ordinances relating to Streets and Sidewalks: Dinkytown Special Service District.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 444.90 (a) of the above-entitled ordinance be amended to read as follows: **444.90.** Advisory board. (a) An advisory board to be known as the Dinkytown Special Service District Advisory Board consisting of nine (9) members, who are residents of the district or owners of property within the district, shall be appointed by the city council for terms of two (2) years beginning

on January first of each even-numbered year, the first term to commence January 1, in 1994. All board members shall be appointed in conformance with the city's open appointments ordinance as outlined in Minneapolis Code of Ordinances Title 2, Chapter 14.180. Any vacancy in an unexpired term shall be filled in the same manner as the original appointment was made and shall be for the unexpired term. Board members shall serve until their successors are appointed.

Adopted 4/16/2010. Absent -Schiff, Colvin Roy.

Ordinance 2010-Or-026 amending Title 17, Chapter 446 of the Minneapolis Code of Ordinances relating to *Streets and Sidewalks: Central Avenue Special Service District*, amending Section 446.90 to make appointment of members of the Central Avenue Special Service District Advisory Board consistent with the open appointments process outlined in Minneapolis Code of Ordinances Title 2, Chapter 14.180, was adopted 4/16/2010 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2010-Or-026
By Lilligren
Intro & 1st Reading: 2/26/2010
Ref to: Comm of the Whole
2nd Reading: 4/16/2010

Amending Title 17, Chapter 446 of the Minneapolis Code of Ordinances relating to Streets and Sidewalks: Central Avenue Special Service District.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 446.90 (a) of the above-entitled ordinance be amended to read as follows: 446.90. Advisory board. (a) An advisory board to be known as the Central Avenue Special Service District Advisory Board consisting of nine (9) members, who are residents of the district or owners of property within the district, shall be appointed by the city council for terms of two (2) years beginning on January first of each even numbered year, the first term to commence January 1, in 1996. All board members shall be appointed in conformance with the city's open appointments ordinance as outlined in Minneapolis Code of Ordinances Title 2, Chapter 14.180. Any vacancy in an unexpired term shall be filled in the same manner as the original appointment was made and shall be for the unexpired term. Board members shall serve until their successors are appointed.

Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

Ordinance 2010-Or-027 amending Title 17, Chapter 448 of the Minneapolis Code of Ordinances relating to *Streets and Sidewalks: Nicollet Avenue South Special Service District*, amending Section 448.90 to make appointment of members of the Nicollet Avenue South Special Service District Advisory Board consistent with the open appointments process outlined in Minneapolis Code of Ordinances Title 2, Chapter 14.180, was adopted 4/16/2010 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2010-Or-027
By Lilligren
Intro & 1st Reading: 2/26/2010
Ref to: Comm of the Whole
2nd Reading: 4/16/2010

Amending Title 17, Chapter 448 of the Minneapolis Code of Ordinances relating to Streets and Sidewalks: Nicollet Avenue South Special Service District.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 448.90 (a) of the above-entitled ordinance be amended to read as follows: 448.90. Advisory board. (a) An advisory board to be known as the Nicollet Avenue South Special Service District Advisory Board consisting of nine (9) members, who are residents of the district or owners of property within the district, shall be appointed by the city council for terms of two (2) years beginning on January first of each odd numbered year, the first term to commence January 1, in 1997. All board members shall be appointed in conformance with the city's open appointments ordinance as outlined in Minneapolis Code of Ordinances Title 2, Chapter 14.180. Any vacancy in an unexpired term shall be filled in the same manner as the original appointment was made and shall be for the unexpired term. Board members shall serve until their successors are appointed.

Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

Ordinance 2010-Or-028 amending Title 17, Chapter 450 of the Minneapolis Code of Ordinances relating to *Streets and Sidewalks: Stadium Village Special Service District*, amending Section 450.90 to make appointment of members of the Stadium Village Special Service District Advisory Board consistent with the open appointments process outlined in Minneapolis Code of Ordinances Title 2, Chapter 14.180, was adopted 4/16/2010 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2010-Or-028
By Lilligren
Intro & 1st Reading: 2/26/2010
Ref to: Comm of the Whole
2nd Reading: 4/16/2010

Amending Title 17, Chapter 450 of the Minneapolis Code of Ordinances relating to Streets and Sidewalks: Stadium Village Special Service District.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 450.90 (a) of the above-entitled ordinance be amended to read as follows: **450.90.** Advisory board. (a) An advisory board to be known as the Stadium Village Special Service District Advisory Board consisting of nine (9) members, who are residents of the district or owners of property within the district, shall be appointed by the city council for terms of two (2) years beginning on January first of each even numbered year, the first term to commence January 1, in 1998. All board members shall be appointed in conformance with the city's open appointments ordinance as outlined in Minneapolis Code of Ordinances Title 2, Chapter 14.180. Any vacancy in an unexpired term shall be filled in the same manner as the original appointment was made and shall be for the unexpired term. Board members shall serve until their successors are appointed.

Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

Ordinance 2010-Or-029 amending Title 17, Chapter 452 of the Minneapolis Code of Ordinances relating to *Streets and Sidewalks: 43rd Street West and Upton Avenue South Special Service District*, amending Section 452.90 to make appointment of members of the 43rd Street West and Upton Avenue South Special Service District Advisory Board consistent with the open appointments process outlined in Minneapolis Code of Ordinances Title 2, Chapter 14.180, was adopted 4/16/2010 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2010-Or-029
By Lilligren
Intro & 1st Reading: 2/26/2010
Ref to: Comm of the Whole
2nd Reading: 4/16/2010

Amending Title 17, Chapter 452 of the Minneapolis Code of Ordinances relating to Streets and Sidewalks: 43rd Street West and Upton Avenue South Special Service District.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 452.90 (a) of the above-entitled ordinance be amended to read as follows: **452.90.** Advisory board. (a) An advisory board to be known as the 43rd Street West and Upton Avenue South Special Service District Advisory Board consisting of seven (7) members, who are residents of the district or owners of property within the district, shall be appointed by the city council for terms of two (2) years beginning on January first of each even-numbered year, the first term to commence January 1, in 2000. All board members shall be appointed in conformance with the city's open appointments ordinance as outlined in Minneapolis Code of Ordinances Title 2 Chapter 14.180. Any vacancy in an unexpired term shall be filled in the same manner as the original appointment was made and shall be for the unexpired term. Board members shall serve until their successors are appointed.

Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

Ordinance 2010-Or-030 amending Title 17, Chapter 454 of the Minneapolis Code of Ordinances relating to *Streets and Sidewalks: South Hennepin Avenue Special Service District* amending Section 454.90 to make appointment of members of the South Hennepin Avenue Special Service District Advisory Board consistent with the open appointments process outlined in Minneapolis Code of Ordinances Title 2, Chapter 14.180, was adopted 4/16/2010 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2010-Or-030
By Lilligren
Intro & 1st Reading: 2/26/2010
Ref to: Comm of the Whole
2nd Reading: 4/16/2010

Amending Title 17, Chapter 454 of the Minneapolis Code of Ordinances relating to Streets and Sidewalks: South Hennepin Avenue Special Service District.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 454.90 (a) of the above-entitled ordinance be amended to read as follows: **454.90.** Advisory board. (a) An advisory board to be know as the South Hennepin Avenue Special Service District Advisory Board consisting of nine (9) members, who are residents of the district or owners of property within the district, shall be appointed by the city council for terms of two (2) years beginning on January first of each even numbered year, the first term to commence January 1, in 2001. All board members shall be appointed in conformance with the city's open appointments ordinance as outlined in Minneapolis Code of Ordinances Title 2, Chapter 14.180. Any vacancy in an unexpired term shall be filled in the same manner as the original appointment was made and shall be for the unexpired term. Board members shall serve until their successors are appointed.

Adopted 4/16/2010.

Ordinance 2010-Or-031 amending Title 17, Chapter 456 of the Minneapolis Code of Ordinances relating to *Streets and Sidewalks: Franklin Avenue East Special Service District*, amending Section 456.90 to make appointment of members of the Franklin Avenue East Special Service District Advisory Board consistent with the open appointments process outlined in Minneapolis Code of Ordinances Title 2, Chapter 14.180, was adopted 4/16/2010 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2010-Or-031
By Lilligren
Intro & 1st Reading: 2/26/2010
Ref to: Comm of the Whole
2nd Reading: 4/16/2010

Amending Title 17, Chapter 456 of the Minneapolis Code of Ordinances relating to Streets and Sidewalks: Franklin Avenue East Special Service District.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 456.90 (a) of the above-entitled ordinance be amended to read as follows: **456.90.** Advisory board. (a) An advisory board to be known as the Franklin Avenue East Special Service District Advisory Board consisting of nine (9) members, who are residents of the district or owners of property within the district, shall be appointed by the city council for terms of two (2) years beginning on January first of each even numbered year, the first term to commence January 1, in 2001. All board members shall be appointed in conformance with the city's open appointments ordinance as outlined in Minneapolis Code of Ordinances Title 2, Chapter 14.180. Any vacancy in an unexpired term shall be filled in the same manner as the original appointment was made and shall be for the unexpired term. Board members shall serve until their successors are appointed.

Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

Ordinance 2010-Or-032 amending Title 17, Chapter 457 of the Minneapolis Code of Ordinances relating to *Streets and Sidewalks: 48th Street East and Chicago Avenue South Special Service District*, amending Section 457.90 to make appointment of members of the 48th Street East and Chicago Avenue South Special Service District Advisory Board consistent with the open appointments process outlined in Minneapolis Code of Ordinances Title 2, Chapter 14.180, was adopted 4/16/2010 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2010-Or-032
By Lilligren
Intro & 1st Reading: 2/26/2010
Ref to: Comm of the Whole
2nd Reading: 4/16/2010

Amending Title 17, Chapter 457 of the Minneapolis Code of Ordinances relating to Streets and Sidewalks: 48th Street East and Chicago Avenue South Special Service District.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 457.90 (a) of the above-entitled ordinance be amended to read as follows: **457.90.** Advisory board. (a) An advisory board to be known as the 48th Street East and Chicago Avenue South Special Service District Advisory Board consisting of five (5) members, who are residents

of the district or owners of property within the district, shall be appointed by the city council for terms of two (2) years beginning on January first of each even-numbered year, the first term to commence January 1, in 2002. All board members shall be appointed in conformance with the city's open appointments ordinance as outlined in Minneapolis Code of Ordinances Title 2, Chapter 14.180. Any vacancy in an unexpired term shall be filled in the same manner as the original appointment was made and shall be for the unexpired term. Board members shall serve until their successors are appointed.

Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

Ordinance 2010-Or-033 amending Title 17, Chapter 458 of the Minneapolis Code of Ordinances relating to *Streets and Sidewalks: Hennepin Theatre District Special Services District*, amending Section 458.90 to make appointment of members of the Hennepin Theatre District Special Service District Advisory Board consistent with the open appointments process outlined in Minneapolis Code of Ordinances Title 2, Chapter 14.180, was adopted 4/16/2010 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2010-Or-033
By Lilligren
Intro & 1st Reading: 2/26/2010
Ref to: Comm of the Whole
2nd Reading: 4/16/2010

Amending Title 17, Chapter 458 of the Minneapolis Code of Ordinances relating to Streets and Sidewalks: Hennepin Theatre District Special Services District.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 458.90 (a) of the above-entitled ordinance be amended to read as follows: **458.90.** Advisory board. (a) An advisory board to be known as the Hennepin Theatre District Special Services District Advisory Board consisting of five (5) members, who are residents of the district or owners of property within the district, shall be appointed by the city council for terms of two (2) years beginning on January 1, in 2003. All board members shall be appointed in conformance with the city's open appointments ordinance as outlined in Minneapolis Code of Ordinances Title 2 Chapter 14.180. Any vacancy in an unexpired term shall be filled in the same manner as the original appointment was made and shall be for the unexpired term. Board members shall serve until their successors are appointed.

Adopted 4/16/2010. Absent - Schiff, Colvin Roy.

Ordinance 2010-Or-034 amending Title 17, Chapter 460 of the Minneapolis Code of Ordinances relating to *Streets and Sidewalks: Bloomington-Lake Special Service District*, amending Section 460.110 to make appointment of members of the Bloomington-Lake Special Service District Advisory Board consistent with the open appointments process outlined in Minneapolis Code of Ordinances Title 2, Chapter 14.180, was adopted 4/16/2010 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2010-Or-034
By Lilligren
Intro & 1st Reading: 2/26/2010
Ref to: Comm of the Whole
2nd Reading: 4/16/2010

Amending Title 17, Chapter 460 of the Minneapolis Code of Ordinances relating to Streets and Sidewalks: Bloomington-Lake Special Service District.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 460.110 (a) of the above-entitled ordinance be amended to read as follows: 460.110. Advisory board. (a) An advisory board to be known as the Bloomington-Lake Special Service District Advisory Board consisting of five members who are residents of the district or owners of property within the district, may be appointed by the city council for terms of two (2) years beginning on January first of each odd-numbered year, the first term to commence January 1, in 2009. All board members shall be appointed in conformance with the city's open appointments ordinance as outlined in Minneapolis Code of Ordinances Title 2, Chapter 14.180. Any vacancy in an unexpired term shall be filled in the same manner as the original appointment was made and shall be for the unexpired term. Board members shall serve until their successors are appointed.

Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

Ordinance 2010-Or-035 amending Title 17, Chapter 461 of the Minneapolis Code of Ordinances relating to *Streets and Sidewalks: Chicago-Lake Special Service District*, amending Section 461.110 to make appointment of members of the Chicago-Lake Special Service District Advisory Board consistent with the open appointments process outlined in Minneapolis Code of Ordinances Title 2, Chapter 14.180, was adopted 4/16/2010 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2010-Or-035
By Lilligren
Intro & 1st Reading: 2/26/2010
Ref to: Comm of the Whole
2nd Reading: 4/16/2010

Amending Title 17, Chapter 461 of the Minneapolis Code of Ordinances relating to Streets and Sidewalks: Chicago-Lake Special Service District.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 461.110 (a) of the above-entitled ordinance be amended to read as follows: 461.110. Advisory board. (a) An advisory board to be known as the Chicago-Lake Special Service District Advisory Board consisting of five (5) members, who are residents of the district or owners of property within the district, may be appointed by the city council for terms of two (2) years beginning on January first of each odd-numbered year, the first term to commence January 1, in 2009. All board members shall be appointed in conformance with the city's open appointments ordinance as outlined in Minneapolis Code of Ordinances Title 2 Chapter 14.180. Any vacancy in an unexpired term shall be filled in the same manner as the original appointment was made and shall be for the unexpired term. Board members shall serve until their successors are appointed.

Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

Ordinance 2010-Or-036 amending Title 17, Chapter 462 of the Minneapolis Code of Ordinances relating to *Streets and Sidewalks: East Lake Street Special Service District*, amending Section 462.110 to make appointment of members of the East Lake Street Special Service District Advisory Board consistent with the open appointments process outlined in Minneapolis Code of Ordinances Title 2, Chapter 14.180, was adopted 4/16/2010 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2010-Or-036
By Lilligren
Intro & 1st Reading: 2/26/2010
Ref to: Comm of the Whole
2nd Reading: 4/16/2010

Amending Title 17, Chapter 462 of the Minneapolis Code of Ordinances relating to Streets and Sidewalks: East Lake Street Special Service District.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 462.110 (a) of the above-entitled ordinance be amended to read as follows: 462.110. Advisory board. (a) An advisory board to be known as the East Lake Street Special Service District Advisory Board consisting of nine (9) members, who are residents of the district, owners of property within the district, owners or operators of a business located within the district or their designated representative may be appointed by the city council for terms of two (2) years beginning on January first of each odd-numbered year, the first term to commence January 1, in 2009. All board members shall be appointed in conformance with the city's open appointments ordinance as outlined in Minneapolis Code of Ordinances Title 2, Chapter 14.180. Any vacancy in an unexpired term shall be filled in the same manner as the original appointment was made and shall be for the unexpired term. Board members shall serve until their successors are appointed.

Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

Ordinance 2010-Or-037 amending Title 17, Chapter 463 of the Minneapolis Code of Ordinances relating to *Streets and Sidewalks: Lyndale-Lake Special Service District*, amending Section 463.110 to make appointment of members of the Lyndale-Lake Special Service District Advisory Board consistent with the open appointments process outlined in Minneapolis Code of Ordinances Title 2, Chapter 14.180, was adopted 4/16/2010 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2010-Or-037
By Lilligren
Intro & 1st Reading: 2/26/2010
Ref to: Comm of the Whole
2nd Reading: 4/16/2010

Amending Title 17, Chapter 463 of the Minneapolis Code of Ordinances relating to Streets and Sidewalks: Lyndale-Lake Special Service District.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 463.110 (a) of the above-entitled ordinance be amended to read as follows: 463.110. Advisory board. (a) An advisory board to be known as the Lyndale Avenue Lake Street Special Service District Advisory Board consisting of five (5) members, who are residents of the district, owners of property within the district, owners or operators of a business located within the district or their designated representative may be appointed by the city council for terms of two (2) years beginning on January first of each odd-numbered year, the first term to commence January 1, in 2009. All board members shall be appointed in conformance with the city's open appointments ordinance as outlined in Minneapolis Code of Ordinances Title 2, Chapter 14.180. Any vacancy in an unexpired term shall be filled in the same manner as the original appointment was made and shall be for the unexpired term. Board members shall serve until their successors are appointed.

Adopted 4/16/2010.

Ordinance 2010-Or-038 amending Title 20, Chapter 525 of the Minneapolis Code of Ordinances relating to *Zoning Code: Administration and Enforcement*, amending Section 525.110 to make appointment of members of the Zoning Board of Adjustment consistent with the open appointments process outlined in Minneapolis Code of Ordinances Title 2, Chapter 14.180, was adopted 4/16/2010 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2010-Or-038
By Lilligren
Intro & 1st Reading: 2/26/2010
Ref to: Comm of the Whole
2nd Reading: 4/16/2010

Amending Title 20, Chapter 525 of the Minneapolis Code of Ordinances relating to Zoning Code: Administration and Enforcement.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Sections 525.110 (a) and (d) of the above-entitled ordinance be amended to read as follows:

- **525.110. Board of adjustment.** (a) *Establishment*. There is hereby established a board of adjustment, which shall perform its duties and exercise its powers as provided by law in such a way as the objectives of this zoning ordinance shall be observed.
- (d) Membership. The board shall consist of nine (9) members who shall be appointed by the city council from an advisory list submitted to it by the city planning commission. All appointments shall be made after solicitation of resident nominees from organizations broadly in conformance with the city's open appointments ordinance as outlined in Chapter 14 of the Minneapolis Code of Ordinances and geographically representative of community interests. Members shall serve for a term of three (3) years, and shall be appointed as the terms of the present members of the existing board of adjustment expire. All members shall continue in office until their successors are appointed. Any member of the board may be removed there from for cause by the city council.

Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

Ordinance 2010-Or-039 amending Title 23, Chapter 599 of the Minneapolis Code of Ordinances relating to *Heritage Preservation: Heritage Preservation Regulations*, amending Section 599.120 to make appointment of members of the Heritage Preservation Commission consistent with the open appointments process outlined in Minneapolis Code of Ordinances Title 2, Chapter 14.180, was adopted 4/16/2010 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2010-Or-039
By Lilligren
Intro & 1st Reading: 2/26/2010
Ref to: Comm of the Whole
2nd Reading: 4/16/2010

Amending Title 23, Chapter 599 of the Minneapolis Code of Ordinances relating to Heritage Preservation: Heritage Preservation Regulations.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Sections 599.120 (a) and (c) of the above-entitled ordinance be amended to read as follows:

**599.120.** Heritage preservation commission. (a) *Establishment*. The heritage preservation commission is established pursuant to the authority granted by Minnesota Statutes sections 138.71 through 138.75, Minnesota Historic District Act of 1971, and Minnesota Statutes section 471.193, Municipal Heritage Preservation. The commission shall perform its duties and exercise its powers as provided therein.

(c) Commission membership. The commission shall consist of ten (10) members, each of whom shall reside in Minneapolis. Members shall be persons with demonstrated interest, knowledge, ability or expertise in historic preservation, neighborhood revitalization, archaeology, urban planning, history or architecture. One (1) shall be the representative of the mayor. If available, at least two (2) shall be registered architects, at least one (1) shall be a licensed real estate agent or appraiser, at least one (1) shall reside in or own a landmark or property in an historic district, and if available at least one (1) shall be a member of the Hennepin County historical society. All appointments, except the mayor's representative, shall be made by the city council and all appointments shall follow the open appointments process contained in section 14.180 of the Minneapolis Code of Ordinances, and as provided in the rules and procedures of the commission. Applicants for appointment to the commission shall be interviewed by a committee of the planning director and one (1) member of the commission who shall recommend applicants to the zoning and planning committee of the city council. Members shall serve for a term of three (3) years, and shall be appointed as the terms of the present members of the commission expire. No member shall serve more than three (3) full terms consecutively. Any member may reapply for appointment after missing one (1) full term.

Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

Resolution 2010R-145, amending Resolution 90R-115 entitled "Reestablishing an Advisory Committee on People with Disabilities", passed March 30, 1990, was adopted 4/16/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

# RESOLUTION 2010R-145 By Lilligren

Amending Resolution 90R-115 entitled "Reestablishing an Advisory Committee on People with Disabilities", passed March 30, 1990.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution be amended by deleting references to "appointment dates, term beginning dates, or term end dates" and adding "Appointments and terms are subject to Minneapolis Code of Ordinances Title 2 Chapter 14.180" wherever the language appears in the Resolution.

Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

Resolution 2010R-146, amending Resolution 94R-357 entitled "Defining procedures for the Nicollet Mall Advisory Board", passed November 23, 1994, was adopted 4/16/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

### RESOLUTION 2010R-146 By Lilligren

Amending Resolution 94R-357 entitled "Defining procedures for the Nicollet Mall Advisory Board", passed November 23, 1994.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution be amended by deleting references to "appointment dates, term beginning dates, or term end dates" and adding "Appointments and terms are subject to Minneapolis Code of Ordinances Title 2 Chapter 14.180" wherever the language appears in the Resolution.

Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

Resolution 2010R-147, amending Resolution 99R-025 entitled "Reconstructing the Senior Citizen Advisory Board", passed February 5, 1999, was adopted 4/16/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

### RESOLUTION 2010R-147 By Lilligren

Amending Resolution 99R-025 entitled "Reconstructing the Senior Citizen Advisory Board", passed February 5, 1999.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution be amended by deleting references to "appointment dates, term beginning dates, or term end dates" and adding "Appointments and terms are subject to Minneapolis Code of Ordinances Title 2 Chapter 14.180" wherever the language appears in the Resolution.

Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

Resolution 2010R-148, amending Resolution 99R-443 entitled "Establishing the Latino Community Advisory Committee to the Mayor and the City Council of the City of Minneapolis", passed December 17, 1999, as amended by Resolution 2003R-141 on December 17, 1999, was adopted 4/16/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

### RESOLUTION 2010R-148 By Lilligren

Amending Resolution 99R-443 entitled "Establishing the Latino Community Advisory Committee to the Mayor and the City Council of the City of Minneapolis", passed December 17, 1999, as amended by Resolution 2003R-141 on December 17, 1999.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by deleting references to "appointment dates, term beginning dates, or term end dates" and adding "Appointments and terms are subject to Minneapolis Code of Ordinances Title 2 Chapter 14.180" wherever the language appears in the Resolution.

Adopted 4/16/2010.

Resolution 2010R-149, amending Resolution 2005R-438 entitled "Approving and adopting a consolidated and amended resolution defining the role, function, size, composition and organization of the Public Health Advisory Committee for the Minneapolis Department of Health & Family Support", passed August 5, 2005, was adopted 4/16/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

### RESOLUTION 2010R-149 By Lilligren

Amending Resolution 2005R-438 entitled "Approving and adopting a consolidated and amended resolution defining the role, function, size, composition and organization of the Public Health Advisory Committee for the Minneapolis Department of Health & Family Support", passed August 5, 2005.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution be amended by deleting references to "appointment dates, term beginning dates, or term end dates" and adding "Appointments and terms are subject to Minneapolis Code of Ordinances Title 2 Chapter 14.180" wherever the language appears in the Resolution.

Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

Resolution 2010R-150, amending Resolution 2006R-571 entitled "Recognizing Youth Violence as a Public Health Problem and Establishing a Youth Violence Prevention Steering Committee", passed November 17, 2006, as amended by Resolution 2008R-297 on July 25, 2008 and 2008R-557 on December 12, 2008, was adopted 4/16/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

### RESOLUTION 2010R-150 By Lilligren

Amending Resolution 2006R-571 entitled "Recognizing Youth Violence as a Public Health Problem and Establishing a Youth Violence Prevention Steering Committee", passed November 17, 2006, as amended by Resolution 2008R-297 on July 25, 2008 and 2008R-557 on December 12, 2008.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by deleting references to "appointment dates, term beginning dates, or term end dates" and adding "Appointments and terms are subject to Minneapolis Code of Ordinances Title 2 Chapter 14.180" wherever the language appears in the Resolution.

Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

Resolution 2010R-151, amending Resolution 2006R-636 entitled "Establishing the Minneapolis Pedestrian Advisory Committee", passed December 22, 2006, was adopted 4/16/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

### RESOLUTION 2010R-151 By Lilligren

Amending Resolution 2006R-636 entitled "Establishing the Minneapolis Pedestrian Advisory Committee", passed December 22, 2006.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution be amended by deleting references to "appointment dates, term beginning dates, or term end dates" and adding "Appointments and terms are subject to Minneapolis Code of Ordinances Title 2 Chapter 14.180" wherever the language appears in the Resolution.

Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

Resolution 2010R-152, amending Resolution 2008R-402 entitled "Establishing a Neighborhood and Community Engagement Commission", passed September 26, 2008, was adopted 4/16/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

### RESOLUTION 2010R-152 By Lilligren

Amending Resolution 2008R-402 entitled "Establishing a Neighborhood and Community Engagement Commission", passed September 26, 2008.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution be amended by deleting references to "appointment dates, term beginning dates, or term end dates" and adding "Appointments and terms are subject to Minneapolis Code of Ordinances Title 2 Chapter 14.180" wherever the language appears in the Resolution.

Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

Resolution 2010R-153, amending Resolution 2008R-526 entitled "Establishing an Animal Care & Control Advisory Board", passed November 21, 2008, was adopted 4/16/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

### RESOLUTION 2010R-153 By Lilligren

Amending Resolution 2008R-526 entitled "Establishing an Animal Care & Control Advisory Board", passed November 21, 2008.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution be amended by deleting references to "appointment dates, term beginning dates, or term end dates" and adding "Appointments and terms are subject to Minneapolis Code of Ordinances Title 2 Chapter 14.180" wherever the language appears in the Resolution.

Adopted 4/16/2010.

**Comm of the Whole** - Your Committee, having under consideration the recommendation of staff to approve the Consolidation Plan Timeline to bring the administrative functions of the NRP program into the NCR Department, as set forth in the Neighborhood and Community Relations Department staff report presented April 1, 2010, now recommends that said timeline be approved.

Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

### The COMMUNITY DEVELOPMENT Committee submitted the following reports:

Comm Dev – Your Committee, having under consideration the Minneapolis Economic Recovery Strategy and the request on behalf of Tubman to refinance existing debt associated with the Chrysalis Center at 4432 Chicago Ave S, Minneapolis, and the Tubman Center East location at 1725 Monastery Way, Maplewood, now recommends passage of the accompanying resolution giving preliminary and final approval to the issuance of up to \$4,500,000 in Bank Qualified Bank Direct Tax-exempt 501(c)(3) Minneapolis Community Development Agency Revenue Bonds, Series 2010, for the Tubman Project.

Your Committee further recommends that the subject matter be forwarded to the MCDA Board of Commissioners.

Adopted 4/16/2010. Absent - Schiff, Colvin Roy. Approved by Mayor Rybak 4/16/2010. (Published 4/20/2010)

Resolution 2010R-154, giving preliminary and final approval to and authorizing the financing of a project on behalf of Tubman (4432 Chicago Ave S, Minneapolis, MN and 1725 Monastery Way, Maplewood, MN), and authorizing the issuance of revenue bonds of the Minneapolis Community Development Agency therefor, was adopted 4/16/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

### RESOLUTION 2010R-154 By Goodman

Giving preliminary and final approval to and authorizing the financing of a project on behalf of Tubman (the "Company"), and authorizing the issuance of revenue bonds of the Minneapolis Community Development Agency therefor.

Whereas, pursuant to Laws of Minnesota 1980, Chapter 595, as amended ("Chapter 595"), the City Council of the City of Minneapolis, Minnesota (the "City") established the Minneapolis Community Development Agency (the "Agency") and granted certain powers and duties to the Agency; and

Whereas, pursuant to such granted powers, the Agency has been authorized to issue revenue obligations for various purposes; and

Whereas, it has been proposed that the Agency issue revenue bonds on behalf of the Company in the aggregate amount of up to \$4,500,000 (the "Bonds"), for a project consisting of the refinancing of the acquisition and construction of the Company's building located at 4432 Chicago Avenue South in the City of Minneapolis, as well as refinancing acquisition costs and financing renovation costs of the Company's building located 1725 Monastery Way in the City of Maplewood, which buildings are used in the Company's business of helping women, children and families struggling with relationship violence, substance abuse and mental health issues, and providing safe shelter, legal advocacy and counseling services; and

Whereas, the Agency expects to give final approval to the issuance of the Bonds by a resolution to be adopted on the date hereof; and

Whereas, the Bonds shall bear interest at an initial interest rate expected to not exceed 6.00% per annum, shall have a final maturity date not later than December 31, 2030, and shall have such other

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terms as required or permitted by the Agency's resolution, which terms are to be incorporated herein by reference;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Council hereby gives preliminary and final approval to the issuance by the Agency of the Bonds in an aggregate principal amount of up to \$4,500,000 with respect to the project described above.

Be It Further Resolved that the Bonds are hereby designated as "Program Bonds" and are determined to be within the "Economic Development Program" and the "Program," all as defined in Resolution 88R-021 of the City adopted January 29, 1988, and as amended by Resolution 97R 402 of the City adopted December 12, 1997.

Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

Approved by Mayor Rybak 4/16/2010.

**Comm Dev** - Your Committee, having under consideration the Year 2011 Low Income Housing Tax Credit Procedural Manual and Qualified Allocation Plan (QAP), now recommends approval of the Manual and QAP as set forth in the report of the Department of Community Planning & Economic Development, and that the proper City officers be authorized to proceed with a Request for Proposals.

Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

**Comm Dev** - Your Committee, having under consideration the Affordable Housing Trust Fund (AHTF) and Non-Profit Development Assistance Fund (Non-Profit), now recommends approval of up to \$272,300 of AHTF and a Non-Profit grant of up to \$12,000 for the 3631 Penn Ave N project, and that the proper City officers be authorized to execute the necessary documents for said loan and grant.

Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

**Comm Dev** - Your Committee recommends passage of the accompanying resolution authorizing the execution of documents relating to amendments to the Series 2003 Bonds issued for the Guthrie Theatre, allowing the conversion of the existing bonds to the new form of qualified tax-exempt obligations and their placement.

Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

Resolution 2010R-155, amending terms of Adjustable Rate Revenue Bonds for the Guthrie on the River Project, Series 2003A, allowing the conversion of the existing bonds to the new form of qualified tax-exempt obligations and their placement, was adopted 4/16/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

### RESOLUTION 2010R-155 By Goodman

Amending terms of Adjustable Rate Revenue Bonds for the Guthrie on the River Project, Series 2003A.

Whereas, pursuant to Minnesota Statutes, Section 469.152 through 469.165, as amended, the City of Minneapolis (the "City") has previously issued on behalf of the Guthrie Theater Foundation, a Minnesota nonprofit corporation (the "Corporation"), its Adjustable Rate Revenue Bonds (Guthrie on the River Project), Series 2003A (the "Bonds"); and

Whereas, the Bonds were issued pursuant to the terms of an Indenture of Trust between the City and U.S. Bank National Association, as trustee, dated as of October 1, 2003 (the "Bond Indenture"); and

Whereas, the City loaned the proceeds of the Bonds to the Corporation pursuant to a Loan Agreement between the City and the Corporation dated as of October 1, 2003 (the "Loan Agreement"); and

Whereas, all of the Bonds presently bear interest at a Variable Rate, as such term is defined in the Bond Indenture; and

Whereas, the Corporation has advised the City that in order to provide for one or more additional Interest Rate Periods (as defined in the Bond Indenture) for the Bonds, it will be necessary to amend the Bond Indenture and Loan Agreement to implement modifications and amendments to the terms of the Bonds and the Bond Indenture and the Loan Agreement, and the Corporation has requested that the City enter into an amendment to the Bond Indenture (the "Bond Indenture Amendment") and an amendment to the Loan Agreement (the "Loan Agreement Amendment") for these purposes; and

Whereas, in connection with the amendment of the terms of the Bonds pursuant to the Bond Indenture Amendment and Loan Agreement Amendment, the Corporation will designate the Bonds as "qualified tax-exempt obligations" within the meaning of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended (the "Code");

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City hereby consents to the amendment of the terms of the Bonds to provide for one or more additional Interest Rate Periods, and subject to the approval of the forms thereof by City Attorney's Office, the Bond Indenture Amendment and the Loan Agreement Amendment are directed to be executed in the name and on behalf of the City by the City Finance Officer. Any reaffirmations requested to be executed by the City from time to time (the "Reaffirmations") of (i) the Ground Lease Estoppel Certificate, dated October 8, 2003, executed by the City and the Corporation in favor of Wells Fargo Bank, National Association (the "Bank"), (ii) the Lessor's Agreement, dated October 9, 2003, executed by the City in favor of the Bank, and (iii) the Subordination Agreement, dated as of March 31, 2004, executed by the City in favor of the Bank, are directed to be executed in the name and on behalf of the City by the City Finance Officer. Any other City documents and certificates necessary in connection with the amendment of the terms of the Bonds and execution of the Bond Indenture Amendment and Loan Agreement Amendment shall be executed by the appropriate City officers. The execution of any of the Bond Indenture Amendment, the Loan Agreement Amendment, the Reaffirmations or any other document or instrument by the City Finance Officer or by the appropriate officer or officer of the City shall be conclusive evidence of the approval of such document in accordance with the terms hereof.

Be It Further Resolved that the Mayor, the City Clerk, the City Finance Officer and all other officers of the City are hereby authorized and directed to execute and deliver all other documents which may be required under the terms of the Bond Indenture Amendment or the Loan Agreement Amendment, and to take such other action as may be required or appropriate for the performance of the duties imposed thereby or to carry out the purposes thereof.

Be It Further Resolved that the City joins in the designation by the Corporation of the Bonds as "qualified tax-exempt obligations" within the meaning of Section 265(b)(3) of the Code in connection with the amendment of the terms of the Bonds pursuant to the Bond Indenture Amendment and Loan Agreement Amendment.

Be It Further Resolved that in the absence or disability of the Mayor, the City Clerk, the City Finance Officer or any other officer of the City named in any instrument to be executed on behalf of the City in connection with the amendment of the terms of the Bonds, the acting Mayor, Assistant City Clerk, Assistant City Finance Officer or other officer may execute such instrument.

Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

### The COMMUNITY DEVELOPMENT and TRANSPORTATION & PUBLIC WORKS Committees submitted the following report:

**Comm Dev & T&PW** - Your Committee, having under consideration the applications for 2010 Hennepin County Transit-Oriented Development (TOD) Program grant funding, now recommends approval of recommendations of the Department of Community Planning & Economic Development (CPED) for:

- a) Passage of the accompanying resolution granting multi-jurisdictional program approval for the submission of TOD Program loan/grant applications to Hennepin County for projects within the City of Minneapolis and authorizing cooperative agreements for County funded projects; and
- b) Approval of City of Minneapolis priority rankings for project proposals, and direction to staff to submit the advisory rankings to the Hennepin County Department of Housing, Community Works and Transit, as follows:
  - 1. Cedar Avenue Pedestrian Improvements; City of Minneapolis
  - 2. Franklin Avenue LRT Station Area Pedestrian Improvements; City of Minneapolis
  - 3. Corcoran Triangle; Wellington, McNellis & Swenson
  - 4. East 17th Street Pedestrian Improvements; Catholic Charities and Aeon
  - 5. Brian Coyle Community Center Expansion; Pillsbury United Communities
  - 6. Mozaic Pedestrian Bridge and Greenway Ramp; Ackerberg Group
  - 7. Riverside Plaza Substantial Rehabilitation; Sherman Associates
  - 8. East Bank Mills: Phase 1 Machine Shop and Warehouse 1; Schafer Richardson
  - 9. Broadway Green Apartments; Legacy Management
  - 10. Hi-Lake Triangle; Wellington, McNellis & Swenson
  - 11. Trinity First Terrace; Lutheran Social Service of Minnesota
  - 12. Valspar Redevelopment; Brighton Development
  - 13. ARTS Park; Urban Homeworks

Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

Resolution 2010R-156, granting multi-jurisdictional program approval for the submission of 2010 Hennepin County Transit-Oriented Development Program loan/grant applications, was adopted 4/16/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

### RESOLUTION 2010R-156 By Goodman and Colvin Roy

Granting multi-jurisdictional program approval for the submission of 2010 Hennepin County Transit-Oriented Development (TOD) Program loan/grant applications.

Whereas, the Hennepin County Transit-Oriented Development (TOD) Program was established as a multi-jurisdictional reinvestment program under the authority of Minnesota Statutes 383B.79, Subdivision 1; and

Whereas, thirteen applications were submitted to Hennepin County for projects located within the City of Minneapolis for consideration in the 2010 Hennepin County TOD Program solicitation; and

Whereas, the City of Minneapolis hereby approves the submission of 13 applications for projects located within the City of Minneapolis for consideration for funding by the 2010 Hennepin County TOD Program;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City of Minneapolis, in accordance with Minnesota Statutes 383B.77, Subdivision 3, supports the following transit-oriented development loan/grant applications submitted to the Hennepin County Housing and Redevelopment Authority on February 25, 2010:

- 1. Ackerberg Group for the Mozaic Pedestrian Bridge and Midtown Greenway Ramp project.
- 2. Aeon for the East 17th Street Pedestrian Improvements project.
- 3. Brighton Development for the Valspar Redevelopment project.
- 4. City of Minneapolis for the Cedar Avenue Pedestrian Improvements project.
- 5. City of Minneapolis for the Franklin Avenue LRT Station Area Pedestrian Improvements project.
- Legacy Management and Development Corporation for the Broadway Green Apartments project.

- 7. Lutheran Social Service of Minnesota for the Trinity First Terrace project.
- 8. Pillsbury United Communities for the Brian Coyle Community Center Expansion project.
- 9. SA Riverside Plaza Limited Partnership for the Riverside Plaza project.
- Mill Development, LLC for the East Bank Mills Phase 1 Machine Shop and Warehouse
   project.
  - 11. Wellington, McNellis & Swenson for the Corcoran Triangle project.
  - 12. Wellington, McNellis & Swenson for the Hi-Lake Triangle project.
  - 13. Urban Homeworks for the ARTS Park project.

Be It Further Resolved that nothing in this resolution shall create a pecuniary obligation of the City Council to assist any of the foregoing projects nor shall the City be in any way responsible for any financing obligation or agreement of Hennepin County or the Hennepin County HRA with respect to their provision of financial assistance such projects.

Be It Further Resolved that the support expressed herein extends only to the powers of Hennepin County or the Hennepin County HRA with respect to the financial assistance the County or the HRA proposes to provide to the respective projects and the City shall retain all other powers and jurisdiction over matters relating to the City and the projects.

Be It Further Resolved that appropriate City staff may execute one or more cooperative agreements authorizing Hennepin County or the Hennepin County HRA to implement the foregoing projects in Minneapolis.

Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

## The COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET Committees submitted the following reports:

Comm Dev & W&M/Budget - Your Committee recommends that the proper City officers be authorized to accept and appropriate a \$4,600 Minnesota Department of Employment and Economic Development (DEED) grant award to provide technical assistance to small businesses to mitigate the impacts of Central Corridor Light Rail Transit construction, and to execute a grant agreement with DEED, a subrecipient agreement with the Metropolitan Consortium of Community Developers and/or disbursement and related agreements for this grant.

Your Committee further recommends passage of the accompanying resolution increasing the Department of Community Planning & Economic Development appropriation to reflect the receipt of said grant funds.

Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

### RESOLUTION 2010R-157 By Goodman and Hodges

#### Amending the 2010 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation in the Department of Community Planning and Economic Development Grants Other Fund (01600-8900320) by \$4,600 and increasing the revenue source (01600-8900900-321513) by \$4,600.

Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

**Comm Dev & W&M/Budget** - Your Committee, having under consideration brownfield grant administrative fees, now recommends approval of the brownfield grant application processing fee and brownfield grant award administration fees as described in the Department of Community Planning & Economic Development staff report.

Adopted 4/16/2010.

**Comm Dev & W&M/Budget** - Your Committee, having under consideration the East Calhoun Neighborhood Revitalization Program (NRP) Phase II Neighborhood Action Plan, now recommends:

- a) Approval of said action Plan and specifically those parts of the Plan that fall under City jurisdiction, with the total cost of the Plan not to exceed \$334,613;
- b) Passage of the accompanying resolution increasing the Department of Community Planning and Economic Development (CPED) appropriation in the NRP Fund by \$267,690;
- c) Referral of \$66,923 for Plan implementation in a reserve account within the NRP Fund for future year expenditures on the approved Plan, provided that no more than \$267,690 be obligated in the first three years after approval of the Plan; and
- d) That the proper City officers be authorized to enter into any contracts or agreements needed to implement said Plan.

Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

### RESOLUTION 2010R-158 By Goodman and Hodges

### Amending The 2010 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation in the Department of Community Planning and Economic Development NRP Fund (01CNR-8900800) by \$267,690.

Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

**Comm Dev & W&M/Budget** - Your Committee, having under consideration the Minneapolis Neighborhood Stabilization Program 2 (NSP2) funds, now recommends:

- a) Approval of the program guidelines as outlined in the Department of Community Planning & Economic Development (CPED) staff report and that CPED staff be directed to issue a Request for Proposals for purchase rehab activities and a Request for Qualifications for redevelopment activities under the NSP2 of the U.S. Department of Housing and Urban Development (HUD):
- b) That the proper City officers be authorized to execute a contract for acquisition intermediary services in support of NSP2 activities between the Twin Cities Community Land Bank LLC, a Minnesota nonprofit limited liability company, and the City of Minneapolis under the NSP2 of the HUD; and
- c) That the CPED Director be authorized to make changes to the proposed NSP2 activities if necessitated by refinements made to NSP2 to meet HUD or programmatic requirements.

Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

### The PUBLIC SAFETY & HEALTH Committee submitted the following reports:

**PS&H** - Your Committee recommends concurrence with the recommendation of the Mayor and City Council President to appoint Herbert Nelson, Ward 11, to the Senior Citizen Advisory Committee for a two-year term to expire December 31, 2011.

Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

**PS&H** - Your Committee recommends concurrence with the recommendation of the Mayor and City Council President to appoint Bonnie Jean Smith, Ward 5, to the Minneapolis Advisory Committee on People with Disabilities for a two-year term to expire December 31, 2011.

Adopted 4/16/2010.

**PS&H** - Your Committee recommends that the Department of Health & Family Support be authorized to implement the State Health Improvement Program (SHIP) funded Healthy Corner Store Program to improve the food environment, a strategy to decrease obesity and related chronic diseases (Petn No 274177).

Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

### The PUBLIC SAFETY & HEALTH and WAYS & MEANS/BUDGET Committees submitted the following reports:

**PS&H & W&M/Budget** - Your Committee recommends that the proper City officers be authorized to accept a grant award of \$250,000 from the Minnesota Department of Public Safety, Office of Justice Programs, for the salaries of five officers assigned to the Minneapolis-St. Paul Safe Streets Task Force. Further, passage of the accompanying resolution appropriating \$250,000 to the Police Department. Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

### RESOLUTION 2010R-159 By Samuels and Hodges

### Amending The 2010 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants – Other Fund (01600-4003130) by \$250,000, and increasing the Revenue Estimate (01600-4003130-321509) by \$250,000.

Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

**PS&H & W&M/Budget** - Your Committee recommends that the proper City officers be authorized to execute a grant agreement with the Minnesota Department of Homeland Security and Emergency Management to receive \$35,050 for the Bomb Disposal Unit for planning, training and equipment. Further, passage of the accompanying resolution appropriating \$53,050 to the Police Department. Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

RESOLUTION 2010R-160

### By Samuels and Hodges

### Amending The 2010 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants – Federal Fund (01300-4002750) by \$53,050 and increasing the Revenue Estimate (01300-4002750-321010).

Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

**PS&H & W&M/Budget** - Your Committee recommends that the proper City officers be authorized to execute a contract with the Minneapolis Public Housing Authority to receive \$69,651 to support a sergeant investigator for a one-year period to investigate alleged criminal activity and suspected fraud by Section 8 participants. Further, passage of the accompanying resolution appropriating \$69,651 to the Police Department.

Adopted 4/16/2010.

### RESOLUTION 2010R-161 By Samuels and Hodges

### Amending The 2010 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants – Special Revenue Fund (01210-4002740) by \$69,651 and increasing the Revenue Estimate (01210-4002740-4001001) by \$69,651.

Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

**PS&H & W&M/Budget** - Your Committee recommends that the proper City officers of the Police Department be authorized to make a donation, in the amount of \$10,000, to the National Law Enforcement Officer's Memorial Fund for the purpose of constructing the Museum in Washington, D.C. Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

**PS&H & W&M/Budget** - Your Committee recommends that the proper City officers be authorized to negotiate and execute an amendment to Lease Agreement #C-27170 with Classic Space, Incorporated to allow for appropriate storage space for the Police Department at a reduced cost. The amount of space being leased has been reduced resulting in a reduction in the monthly lease payment from \$2,813 per month to \$1,444.35 per month. Said agreement is renewable on an annual basis for two years.

Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

**PS&H & W&M/Budget** - Your Committee recommends that the proper City officers be authorized to accept a 2009 State Homeland Security Program (SHSP) pass-through federal grant, in the amount of \$65,000, from the United States Department of Homeland Security, for exercises, training and equipment to assist the Minnesota Task Force 1 team. Further, passage of the accompanying resolution appropriating \$65,000 to the Fire Department.

Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

### RESOLUTION 2010R-162 By Samuels and Hodges

#### Amending The 2010 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Fire Department Agency in the Grants – Federal Fund (01300-2800700) by \$65,000 and increasing the Revenue Source (01300-2800700-321015) by \$65,000.

Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

#### The REGULATORY, ENERGY & ENVIRONMENT Committee submitted the following reports:

**RE&E** – Your Committee, to whom was referred an ordinance amending Title 1, Chapter 2 of the Minneapolis Code of Ordinances relating to *General Provisions: Administrative Enforcement and Hearing Process*, amending sections 2.20 and 2.50 to authorize traffic control agents to issue administrative citations and clarifying the manner in which Parking Code citations should be issued, now recommends that said ordinance be given its second reading for amendment and passage.

Your Committee further recommends that the following ordinances be returned to author:

- a. Amending Title 18, Chapter 478 of the Minneapolis Code of Ordinances relating to *Traffic Code:* Parking, Stopping and Standing, adding a new section relating to traffic control agent service fees and establishing these fees in the Director's Fee Schedule, to include an hourly traffic control agent fee and a separate overtime fee if required.
- b. Amending Title 5, Chapter 91 of the Minneapolis Code of Ordinances relating to *Building Code: Permit Fees*, including traffic control agent service fees in the Director's Fee Schedule.

Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

Ordinance 2010-Or-040 amending Title 1, Chapter 2 of the Minneapolis Code of Ordinances relating to *General Provisions: Administrative Enforcement and Hearing Process*, amending Sections 2.20 and 2.50 to authorize traffic control agents to issue administrative citations and clarifying the manner in which Parking Code citations should be issued, was adopted 4/16/2010 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2010-Or-040
By Glidden
Intro & 1st Reading: 3/12/2010
Ref to: RE&E
2nd Reading: 4/16/2010

Amending Title 1, Chapter 2 of the Minneapolis Code of Ordinances relating to General Provisions: Administrative Enforcement and Hearing Process.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 2.20 of the above-entitled ordinance be amended to read as follows:

- **2.20.** Persons authorized to issue citations. The following city employees are authorized to issue citations for violations of the Minneapolis Code of Ordinances:
  - (1) Police officers.
  - (2) Animal control officers.
  - (3) License inspectors.
  - (4) Fire chief, fire marshal and fire inspectors.
  - (5) Building inspectors.
  - (6) Manager of environmental health and environmental health inspectors.
  - (7) Housing inspectors.
  - (8) Zoning inspectors.
  - (9) Traffic control unit staff for violations of Title 13, Chapter 341.
  - (10) Sidewalk inspectors.
  - (11) Utility connection inspectors and their supervisor.
  - (12) Real estate investigators and their supervisor.
  - (13) Deputy director of environmental management and safety, environmental and code compliance inspectors.
  - (14) Any designee of the director of the department of regulatory services or any designee of the director of the department of public works for the purposes of enforcement of Title 17, Chapter 464 relating to newsracks.

Section 2. That Section 2.50 of the above-entitled ordinance be amended to read as follows:

**2.50.** Orders to correct; administrative citations. Upon the reasonable belief that an offense detailed in section 2.40 of this chapter has occurred, the city officials listed in section 2.20 of this chapter may serve on the violator an order to correct the violation or may issue a citation for the violation. If compliance is not achieved by an order to correct, the official is authorized to issue an administrative citation pursuant to this chapter of the Code. An administrative citation must be served on the alleged

violator, or, in the case of citations issued for parking violations under to the traffic code, the citation may be issued in the same manner as a traffic tag pursuant to section 478.480. The administrative citation must state the date, time, and nature of the offense, the name of the official issuing the citation, the amount of the scheduled civil fine, and the manner for paying the fine or appealing the citation by requesting a mediation and hearing.

Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

**RE&E**-Your Committee, having under consideration the application of Rock Bottom of Minneapolis Inc, dba Rock Bottom Brewery, 800 LaSalle Av, 1st floor, for an On-Sale Liquor Class A with Sunday Sales License (permanent expansion of sidewalk cafe to enlarge cafe from 32 to 84 seats) to expire October 1, 2010, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

**RE&E -** Your Committee recommends passage of the accompanying resolution approving Business License Operating Conditions relating to the On-Sale Liquor Class E with Sunday Sales and Tobacco Licenses held by Leaning Tower of Pizza, 2501 University Av SE.

Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

Resolution 2010R-163, approving Business License Operating Conditions relating to the On-Sale Liquor Class E with Sunday Sales and Tobacco Licenses held by Leaning Tower of Pizza, 2501 University Av SE, was adopted 4/16/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

### RESOLUTION 2010R-163 By Glidden

Approving Business License Operating Conditions relating to the On-Sale Liquor Class E with Sunday Sales and Tobacco Licenses held by Leaning Tower of Pizza, 2501 University Av SE.

Resolved by The City Council of The City of Minneapolis:

That it approves the following Business License Operating Conditions relating to the On-Sale Liquor Class E with Sunday Sales and Tobacco Licenses held by Leaning Tower of Pizza, 2501 University Av SE:

- 1. Patrons are not allowed to occupy the outdoor deck after 11:00 p.m. Sunday through Wednesday and 12:00 a.m. on Thursday, Friday and Saturday.
- 2. This condition will be reviewed by Licenses & Consumer Services one year after this expansion of premises has started operating.

Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

**RE&E -** Your Committee recommends passage of the accompanying resolution approving Business License Operating Conditions relating to the Tree Servicing License held by A+ Stump Grinding, 8114 Park Av S, Bloomington.

Adopted 4/16/2010.

Resolution 2010R-164, approving Business License Operating Conditions relating to the Tree Servicing License held by A+ Stump Grinding, 8114 Park Av S, Bloomington, was adopted 4/16/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

### RESOLUTION 2010R-164 By Glidden

Approving Business License Operating Conditions relating to the Tree Servicing License held by A+ Stump Grinding, 8114 Park Av S, Bloomington.

Resolved by The City Council of The City of Minneapolis:

That it approves the following Business License Operating Conditions relating to the Tree Servicing License held by A+ Stump Grinding, 8114 Park Av S, Bloomington:

1. The licensee tree service business shall be limited to stump grinding and area cleanup only. Licensee does not have a Certified Arborist and is restricted from any other type of tree service activities. Licensee must also comply with other requirements of tree service license.

Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

**RE&E**-Your Committee recommends passage of the accompanying resolution granting applications for Liquor, Wine and Beer Licenses.

Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

Resolution 2010R-165, granting applications for Liquor, Wine and Beer Licenses, was adopted 4/16/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

### RESOLUTION 2010R-165 By Glidden

#### Granting Liquor, Wine and Beer Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for liquor, wine and beer licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances (Petn No 274183):

Off-Sale Liquor, to expire October 1, 2010

Hilton Worldwide Inc, dba Minneapolis Hilton, 1001 Marquette Av (corporate name change)

On-Sale Liquor Class A with Sunday Sales, to expire October 1, 2010

Hilton Worldwide Inc, dba Minneapolis Hilton, 1001 Marquette Av (corporate name change)

On-Sale Liquor Class B with Sunday Sales, to expire January 1, 2011

Lush LLC, dba Lush, 990 Central Av NE

On-Sale Liquor Class B with Sunday Sales, to expire April 1, 2011

Picosa Hospitality Group LLC, dba Picosa Restaurant, 65 Main St SE #143

D'Amico Catering LLC, dba D'Amico Catering at the Atrium, 275 Market St Suite C25

On-Sale Liquor Class C-2 with Sunday Sales, to expire January 1, 2011

Hennepin Theatre Trust, dba Hennepin Stages, 824 Hennepin Av

On-Sale Liquor Class E with Sunday Sales, to expire September 1, 2010

Fossland-Olson Inc, dba 1029 Bar, 1029 Marshall St NE (permanent expansion of premises)

### On-Sale Liquor Class E with Sunday Sales, to expire July 1, 2010

Leaning Tower of Pizza, dba Leaning Tower of Pizza, 2501 University Av SE (downgrade to Class E and permanent expansion of premises)

### On-Sale Liquor Class E with Sunday Sales, to expire October 1, 2010

Haracz Inc, dba Jimmy's Bar & Lounge, 1828 4th St NE

### On-Sale Wine Class E with Strong Beer, to expire April 1, 2011

Las Ranas Mexican Grill, dba Las Ranas Mexican Grill, 349 E Lake St (new business)

### Off-Sale Beer, to expire April 1, 2011

Kar Business Investments LLC, dba Crosstown Qwik N Serve BP, 6004 Penn Av S (new business)

Rod Petroleum Inc, dba Broadway Winner, 626 W Broadway

A & R Fuel Inc, dba Lowry Handy Stop, 700 Lowry Av NE

Los Arcos Imports, dba Los Arcos Imports, 1515 E Lake St #107

Twin Cities Gas Inc, dba Riverside Winner, 2517 Riverside Av

### **Temporary On-Sale Beer**

Boundary Waters Advisory Committee, dba Boundary Waters Advisory Committee, 309 Cedar Av S (Outdoor Adventure Expo, April 23, 4:00 p.m. to 9:00 p.m.; April 24, 2010, 9:00 a.m. to 6:00 p.m.; and April 25, 2010, 11:00 a.m. to 5:00 p.m.)

Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

**RE&E**-Your Committee recommends passage of the accompanying resolution granting applications for Business Licenses.

Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

Resolution 2010R-166, granting applications for Business Licenses, was adopted 4/16/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

### RESOLUTION 2010R-166 By Glidden

#### Granting applications for Business Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for business licenses (including provisional licenses) as per list on file and of record in the Office of the City Clerk under date of April 16, 2010 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 274183):

Bowling Alley; Bowling, Pool & Billiard All Night Special; Car Wash; Dance Hall; Dry Cleaner - Non-flammable; Laundry; Place of Entertainment; All Night Special Food; Caterers; Confectionery; Food Distributor; Food Market Distributor; Grocery; Indoor Food Cart; Food Manufacturer; Food Market Manufacturer; Meat Market; Mobile Food Vendor; Restaurant; Food Shelf; Short-Term Food Permit; Seasonal Short Term Food; Sidewalk Cafe; Sidewalk Cart Food Vendor; Soft Drink; Vending Machine; Hotel/Motel; Motor Vehicle Repair Garage; Commercial Parking Lot Class B; Plumber; Pool Table; Public Market; Refrigeration Systems Installer; Residential Specialty Contractor; Steam & Hot Water Systems Installer; Swimming Pool - Public; Tattooist/Body Piercer Establishment; Taxicab Vehicle - Fuel Efficient; Taxicab Vehicle; Tobacco Dealer; Combined Trades; Tree Servicing; Valet Parking; Wrecker of Buildings Class A; Wrecker of Buildings Class B.

Adopted 4/16/2010.

**RE&E**-Your Committee recommends passage of the accompanying resolution granting applications for Gambling Licenses.

Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

Resolution 2010R-167, granting applications for Gambling Licenses, was adopted 4/16/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

### RESOLUTION 2010R-167 By Glidden

### **Granting applications for Gambling Licenses.**

Resolved by The City Council of The City of Minneapolis:

That the following applications for gambling licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances (Petn No 274183):

### **Gambling Class B**

Church of St. Maron, dba Church of St. Maron, 600 University Av NE (Site: Spring Tavern, 355 Monroe)

Church of St. Maron, dba Church of St. Maron, 600 University Av NE (Site: Gabby's Saloon, 900 Marshall St)

Church of St. Maron, dba Church of St. Maron, 600 University Av NE (Site: Arone's Bar, 500 Central Av SE)

#### **Gambling Exempt**

North Memorial Foundation, dba North Memorial Foundation, 3300 Oakdale Av N, Robbinsdale (Raffle May 1, 2010, Hilton, 1001 Marquette Av)

Twin Cities Habitat for Humanity, dba Twin Cities Habitat for Humanity, 3001 4th St SE (Raffle May 1, 2010, Marriott City Center)

Wamso - Minnesota Orchestra Volunteer, dba Wamso - Minnesota Orchestra Volunteer, 1111 Nicollet Mall (Raffle May 2, 2010, International Market Square, 275 Market St)

Boys & Girls Clubs of the Twin Cities, dba Boys & Girls Clubs of the Twin Cities, 6500 Nicollet Av (Raffle May 10, 2010, TCF Bank Stadium)

Kenwood Elementary School PTA, dba Kenwood Elementary School PTA, 2013 Penn Av S (Raffle May 15, 2010)

Walker Art Center, dba Walker Art Center, 1750 Hennepin Av (Raffle May 21, 2010)

Partnership Resources Inc, dba Partnership Resources Inc, 4200 Park Glen Rd, St. Louis Park (Raffle August 5, 2010, Lily's, 3301 Central Av NE)

Minnesota AIDS Project, dba Minnesota AIDS Project, 1400 Park Av (Raffle August 27, 2010)

Majestic Hills Ranch, dba Majestic Hills Ranch, 24580 Dakota Av, Lakeville (Raffle October 23, 2010, Zuhra Shrine Center, 2540 Park Av).

Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

**RE&E**-Your Committee, having under consideration the Rental Hall License held by 42nd Avenue Ballroom, 705 42nd Av N, and after conducting a license hearing the Committee having determined that the licensee has failed to pay fines in the amount of \$660, now recommends that the Rental Hall License held by Avestek Consulting Group, dba 42nd Avenue Ballroom be revoked. Further, that the City Attorney's Office be directed to draft Findings of Fact, Conclusions and Recommendation.

Glidden moved that the report be referred back to the Regulatory, Energy & Environment Committee. Seconded.

Adopted 4/16/2010.

### The REGULATORY, ENERGY & ENVIRONMENT and TRANSPORTATION & PUBLIC WORKS Committees submitted the following report:

**RE&E & T&PW** - Your Committee, to whom was referred ordinances amending the Minneapolis Code of Ordinances relating to recycling, now recommends that the following ordinances be given their second reading for amendment and passage:

- a. Title 12, Chapter 244 relating to *Housing: Maintenance Code*, making compliance with Title 11, Chapter 225 relating to recycling at buildings having two or more dwelling units a rental licensing standard.
- b. Title 11, Chapter 225 relating to *Health and Sanitation: Garbage and Refuse*, amending notice, enforcement, and penalty provisions relating to recycling at buildings having two or more dwelling units. Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

Ordinance 2010-Or-041 amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to *Housing: Maintenance Code*, amending Section 244.1910 to make compliance with Title 11, Chapter 225 relating to recycling at buildings having two or more dwelling units a rental licensing standard, was adopted 4/16/2010 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2010-Or-041
By Gordon
Intro & 1st Reading: 1/15/2010
Ref to: RE&E & T&PW
2nd Reading: 4/16/2010

Amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to Housing: Maintenance Code.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 244.1910 of the above-entitled ordinance be amended to read as follows: **244.1910.** Licensing standards. The following minimum standards and conditions shall be met in order to hold a rental dwelling license under this article. Failure to comply with any of these standards and conditions shall be adequate grounds for the denial, refusal to renew, revocation, or suspension of a rental dwelling license or provisional license.

- (1) The licensee or applicant shall have paid the required license fee.
- (2) Rental dwelling units shall not exceed the maximum number of dwelling units permitted by the zoning code.
- (3) No rental dwelling or rental dwelling unit shall be over occupied or illegally occupied in violation of the zoning code or the housing maintenance code.
- (4) The rental dwelling shall not have been used or converted to rooming units in violation of the zoning code.
- (5) The owner shall not suffer or allow weeds, vegetation, junk, debris, or rubbish to accumulate repeatedly on the exterior of the premises so as to create a nuisance condition under section 227.90 of this Code. If the city is required to abate such nuisance conditions under section 227.100 or collect, gather up or haul solid waste under section 225.690 more than three (3) times under either or both sections during a period of twelve (12) twenty-four (24) months or less, it shall be sufficient grounds to deny, revoke, suspend or refuse to renew a license.
- (6) The rental dwelling or any rental dwelling unit therein shall not be in substandard condition, as defined in section 244.1920.

- (7) The licensee or applicant shall have paid the required reinspection fees.
- (8) The licensee or his or her agent shall allow the director of inspections and his or her designated representative to perform a rental license review inspection as set forth in section 244.2000(c).
- (9) The licensee shall maintain a current register of all tenants and other persons with a lawful right of occupancy to a dwelling unit and the corresponding floor number, and unit number and/or letter and/or designation of such unit within the building. The register shall be kept current at all times. The licensee shall designate the person who has possession of the register and shall inform the director of the location at which the register is kept. The register shall be available for review by the director or his or her authorized representatives at all times.
- (10) The licensee shall submit to the director of inspections or an authorized representative of the director, at the time of application for a rental dwelling license and for just cause as requested by the director, the following information: the number and kind of units within the dwelling (dwelling units, rooming units, or shared bath units), specifying for each unit, the floor number, and the unit number and/or letter and/or designation.
- (11) a. There shall be no delinquent property taxes or assessments on the rental dwelling, nor shall any licensee be delinquent on any financial obligations owing to the city under any action instituted pursuant to Chapter 2, Administrative Enforcement and Hearing Process.
  - b. The licensee or applicant shall have satisfied all judgments duly entered or docketed against the licensee or applicant by any court of competent jurisdiction arising out of the operation of a rental property business. This subsection shall not be found to have been violated if the licensee or applicant demonstrates that the underlying case or action leading to the entry of judgment is being properly and timely removed to district court or otherwise appealed, or when the judgment is being paid in compliance with a payment plan accepted by either a court possessing jurisdiction over the judgment or the judgment creditor or during any period when the enforcement of the judgment has been duly stayed by such a court. This subsection shall become effective January 1, 2008.
- (12) There is no active arrest warrant for a Minneapolis Housing Maintenance Code or Zoning Code violation pertaining to any property in which the licensee, applicant or property manager has a legal or equitable ownership interest or is involved in management or maintenance.
- (13) Any person(s) who has had an interest in two (2) or more licenses revoked pursuant to this article or canceled pursuant to section 244.1925 or a combination of revocations or cancellations shall be ineligible to hold or have an interest in a rental dwelling license or provisional license for a period of five (5) years.
- (14) No new rental dwelling license shall be issued for the property during the pendency of adverse license action initiated pursuant to section 244.1940.
- (15) The licensee or applicant must have a current, complete, and accurate rental dwelling application on file with the director of inspections in accord with the provisions of section 244.1840.
- (16) a. Before taking a rental application fee, a rental property owner must disclose to the applicant, in writing, the criteria on which the application will be judged.
  - b. Application forms must allow the applicant to choose a method for return of the application fee as either 1) mailing it to an applicant's chosen address as stated on the application form, 2) destroying it 3) holding for retrieval by the tenant upon one business-day's notice.
  - c. If the applicant was charged an application fee and the rental property owner rejects the applicant, then the owner must, within fourteen (14) days, notify the tenant in writing of the reasons for rejection, including any criteria that the applicant failed to meet, and the name, address, and phone number of any tenant screening agency or other credit reporting agency used in considering the application.
  - d. The landlord must refund the application fee if a tenant is rejected for any reason not listed in the written criteria.

- e. Nothing in this section shall prohibit a rental property owner from collecting and holding an application fee so long as the rental property owner provides a written receipt for the fee and the fee is not cashed, deposited, or negotiated in any way until all prior rental applicants either have been screened and rejected for the unit, or have been offered the unit and have declined to take it. If a prior rental applicant is offered the unit and accepts it, the rental property owner shall return all application fees in the manner selected by the applicant, pursuant to section (b).
- f. Violation of this subsection, 244.1910(16), may result in an administrative citation, or may contribute to the denial or revocation of a rental license.
- g. This subdivision shall become effective December 1, 2004.
- (17) An owner shall not have any violations of Minnesota Rule Chapter 1300.0120 subpart 1, related to required permits, at any rental dwelling which they own or have an ownership interest. A violation of Minnesota Rule Chapter 1300.0120 subpart 1 shall result in a director's determination of noncompliance notice being sent, pursuant to 244.1930 to the owner regarding the rental dwelling where the violation occurred. A second violation, at any rental dwelling in which the owner has an ownership interest, of Minnesota Rule Chapter 1300.0120 subpart 1, related to required permits, shall result in the issuance of a director's notice of denial, non-renewal, or suspension of the license or provisional license, pursuant to 244.1940 of the Code, for the rental dwelling where the second violation occurred.
- (18) The owner, where the owner pays the water bill for a rental dwelling, shall not allow the water to be shut off for non-payment. If water to a rental dwelling has been turned off, for lack of payment by the owner it shall be sufficient grounds to deny, revoke, suspend or refuse to renew a license or provisional license.
- (19) The provisions of this section are not exclusive. Adverse license action may be based upon good cause as authorized by Chapter 4, Section 16 of the Charter. This section shall not preclude the enforcement of any other provisions of this Code or state and federal laws and regulations.
- (20) A licensee or owner/landlord shall not be in violation of section 244.265 of this Code, which requires owner/landlords to notify tenants and prospective tenants of pending mortgage foreclosure or cancellation of contract for deed involving the licensed property.
- (21) Any person, upon a second violation of section 244.1810 by allowing to be occupied, letting or offering to let to another for occupancy, any dwelling unit without having first obtained a license or provisional license, shall be ineligible to hold or have an interest in a rental dwelling license or provisional license for a period of two (2) years.
- (22) The owner or licensee shall not be in violation of section 225.780, which requires every owner of a building containing two (2) or more dwelling units to provide for recycling services.

Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

Ordinance 2010-Or-042 amending Title 11, Chapter 225 of the Minneapolis Code of Ordinances relating to *Health and Sanitation: Garbage and Refuse*, amending Sections 225.790, 225.800 and 225.810 to amend notice, enforcement, and penalty provisions relating to recycling at buildings having two or more dwelling units, was adopted 4/16/2010 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2010-Or-042
By Gordon
Intro & 1st Reading: 1/15/2010
Ref to: RE&E & T&PW
2nd Reading: 4/16/2010

Amending Title 11, Chapter 225 of the Minneapolis Code of Ordinances relating to Health and Sanitation: Garbage and Refuse.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 225.790 of the above-entitled ordinance be amended to read as follows: **225.790. Reporting.** On January 1, 1995, and semiannually thereafter, each city licensed private refuse hauler that provides recycling services, and each building owner that <u>self-provides</u> their own recycling services to buildings with two (2) or more dwelling units, shall file with the city engineer reports with the following information:

- (1) Each address that is being provided with recycling collection;
- (2) The weight of materials collected at Minneapolis buildings and recycled during the reporting period by type of material. This report shall be an aggregate figure reflecting the total weight for all Minneapolis buildings serviced by the owner or vendor;
- (3) The recycling materials processing center or market for sale utilized for the recyclable materials.

Section 2. That Section 225.800 of the above-entitled ordinance be amended to read as follows: **225.800.** Enforcement. (a) The city engineer and the engineer's authorized representatives shall enforce the provisions of this article.

(b) If the city engineer determines that a building owner fails to meet the requirements set forth in section 225.780 and 225.790, the city engineer shall mail notice to the building owner or operator. The notice shall specify the reasons why the building fails to meet the recycling standards set forth in this section. The notice shall indicate that the owner or operator has ten (10) business days to comply with the ordinance.

(c) The city engineer may grant a waiver to the requirements set forth in section 225.780 and 225.790 if a property owner can demonstrate their recycling program was discontinued because the material collected at their building was deemed unacceptable for processing by a licensed private collection vendor or by a recycling facility on at least three (3) occasions in a six (6) month period. Waivers granted under this subsection shall be made on a case by case basis, and nothing herein shall require the city engineer to grant a waiver. Waivers may be originated by the city engineer or by application of the building owner.

(d) (c) If the city engineer determines that a licensed private refuse hauler, that provides recycling collection to a building with two (2) or more dwelling units, fails to meet the requirements of section 225.780(b) or 225.790, the city engineer shall mail notice to the hauler. The notice shall specify the reasons why the refuse hauler fails to meet the standards set forth in section 225.780(b) or 225.790. The notice shall indicate that the hauler has ten (10) business days to comply with the ordinance, after which the city council may take action to deny, refuse to renew, revoke, or suspend the hauler's license to operate in the city.

Section 3. That Section 225.810 of the above-entitled ordinance be amended to read as follows: 225.810. Penalty. Any building owner or operator who fails, omits, neglects, or refuses to comply with the provisions of section 225.780 or 225.790 after any period of compliance provided for in the notice required by section 225.800(b), shall be subject to a fine of not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00) one hundred dollars (\$100.00) for each a first offense within twelve (12) months and not less than one a fine of two hundred dollars (\$100.00) nor more than seven hundred dollars (\$700.00) for a second offense within twelve (12) months. A third offense within twelve (12) months shall subject the party to a fine of four hundred fifty dollars (\$450.00) and a seven hundred dollar (\$700.00) fine shall be imposed for the third fourth and any subsequent violation within any twelvemonth period. Any and all violations in each calendar month shall constitute one separate offense. Any building owner or operator charged a fine for a violation of the requirements of this article shall be notified of their appeal rights as provided in sections 509.920 and 509.930. Fines which are collected by the city treasurer for noncompliance with any and all provisions of this article shall be designated for use by the department of public works for the purposes of promoting recycling awareness, education, and the improvement of services.

Adopted 4/16/2010.

### The REGULATORY, ENERGY & ENVIRONMENT and WAYS & MEANS/BUDGET Committees submitted the following reports:

**RE&E & W&M/Budget** - Your Committee recommends that the proper City officers be authorized to accept the 2009 MMRS Grant, in the amount of \$642,442, from the United States Department of Homeland Security and Emergency Management to support ongoing efforts of the Metropolitan Medical Response System. Further, passage of the accompanying resolution appropriating \$642,442 to the Department of Regulatory Services.

Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

### RESOLUTION 2010R-168 By Glidden and Hodges

### Amending The 2010 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Department of Regulatory Services Agency in the Grants – Federal Fund (01300-8352000) by \$642,442, and increasing the Revenue Estimate (01300-8352000) by \$642,442.

Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

**RE&E & W&M/Budget** - Your Committee recommends acceptance of low bid received on OP #7254 submitted by Gihl Lawn and Snow, for an estimated annual expenditure of \$80,000, to furnish and deliver all labor, materials, equipment and incidentals necessary to accomplish weed cutting and related services as needed and directed through May 31, 2010 for the South District, in accordance with City specifications.

Further, that the proper City officers be authorized to execute a contract for said project. Bidder offers to extend bid prices for an initial 12 months and a second 12 months at the sole option of the City of Minneapolis. Successful bidder will be required to enter into a formal contract and provide a Performance Bond and Payment Bond in the minimum amount of \$25,000.

Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

### The TRANSPORTATION & PUBLIC WORKS Committee submitted the following reports:

 $\textbf{T\&PW} - \textbf{Your Committee}, having under consideration special assessment deferment applications submitted by:}$ 

- a) Gail M. Harbeck (Disabled Citizen) to defer the special assessment (Levy 01026, Project 4330C) for street reconstruction in the original principal amount of \$4,124.48, and a remaining principal balance of \$3,505.82 for payable 2010 and subsequent years, on the property at 3921 28th Av S, PID 12-028-24-11-0009, legal description: The South 78 ft of the West 1/2 of Lot 7, except alley, "Altruria"; and
- b) Barbara Marston (Senior Citizen) to defer the special assessment (Levy 01028, Project 10WTR) for water service line repair in the principal amount of \$4,180.00 for payable 2010 and subsequent years, on the property at 1840 26th St E, PID 36-029-24-23-0036, legal description: Lot 21, Auditor's Subdivision No 16 Hennepin County, Minn.

now recommends that the applications be approved as provided for in Minnesota Statutes, Sections 435.193 through 435.195 and Council Resolutions 80R-365 passed August 8, 1980 and 93R-134 passed April 16, 1993.

Adopted 4/16/2010.

**T&PW** - Your Committee, having under consideration the Pump Station No 4 Renovation Project, now recommends that the proper City officers be authorized to execute Amendment No 4 to Contract C-26005 with Madsen-Johnson Corporation for Construction Change Orders 31-39, increasing the contract by \$177,295, for an estimated revised contract total of \$8,817,039.29, to allow for work not included in the original scope of the project. No additional appropriation required.

Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

**T&PW** - Your Committee recommends that the proper City officers be authorized to execute the necessary agreements to enter into a collaborative partnership with the Dow Chemical Company to evaluate existing and next-generation ultrafiltration membrane technologies and performance. The City will be reimbursed for all direct costs for coordination, installation, and operation of Dow equipment, including City staff time.

Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

**T&PW** - Your Committee recommends that the proper City officers be authorized to enter into an agreement with the Loring Greenway Association, a 501(c)3 nonprofit organization, allowing said association to perform the installation and maintenance of landscape amenities as well as enhanced tree care within the Loring Greenway.

Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

- **T&PW** Your Committee, having under consideration the Minneapolis Pedestrian Advisory Committee, now recommends passage of the accompanying resolutions:
- a) Rescinding Resolution 2006R-636, entitled "Establishing the Minneapolis Pedestrian Advisory Committee": and
- b) Passage of the accompanying resolution updating the membership structure of the Minneapolis Pedestrian Advisory Committee.

Your Committee further recommends the following appointments to the Pedestrian Advisory Committee for a transitional term beginning immediately and expiring June 30, 2011:

- James Andrew, Metropolitan Council
- Anna Gillette, Community Member
- Martha Hage, Minneapolis Advisory Committee on People with Disabilities
- Diane Hansen, Community Member
- Elizabeth Haugen, Minneapolis Communications Department
- Tony Hull, Transit for Livable Communities
- Jan Sandberg, Community Member
- David Smith, Minneapolis Public Schools

Further, that staff be directed to solicit applications for seven (7) new Pedestrian Advisory Committee members for two-year terms beginning July 1, 2010.

Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

Resolution 2010R-169, rescinding Resolution 2006R-636 entitled "Establishing the Minneapolis Pedestrian Advisory Committee", passed December 22, 2006, was adopted 4/16/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

### RESOLUTION 2010R-169 By Colvin Roy

Rescinding Resolution 2006R-636 entitled "Establishing the Minneapolis Pedestrian Advisory Committee", passed December 22, 2006.

Resolved by The City Council of The City of Minneapolis: That the above-entitled resolution be and is hereby rescinded. Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

Resolution 2010R-170, restructuring the Minneapolis Pedestrian Advisory Committee, was adopted 4/16/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

### RESOLUTION 2010R-170 By Colvin Roy

### Restructuring the Minneapolis Pedestrian Advisory Committee.

Whereas, the City of Minneapolis established a Pedestrian Advisory Committee in 2006; and Whereas, the Pedestrian Advisory Committee successfully guided the development of the City's first pedestrian master plan, approved by City Council in 2009; and

Whereas, the Pedestrian Advisory Committee has recommended revisions to its structure and membership to become a citizen-based committee with participation from city and partner agency staff as non-voting members;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the Pedestrian Advisory Committee to the Mayor and the City Council of the City of Minneapolis be restructured.

Be It Further Resolved that the Committee shall advise the Mayor and City Council on policies, programs, and actions for improving pedestrian safety, mobility, accessibility, and comfort; for promoting walking for transportation, recreation, and health purposes; and for strengthening the linkage between the pedestrian environment and public transportation.

Be It Further Resolved that the Committee be composed of 15 voting members who reside or own a business in the City and who have an interest in promoting walking and improving the pedestrian environment in Minneapolis. The voting membership as a whole shall represent the following perspectives on pedestrian issues:

- distinct pedestrian user groups, such as people with disabilities, senior citizens, parents or people who work with children, and transit riders;
- caretakers of the pedestrian environment, such as property owners, neighborhood groups, business owners, and business associations:
- people with relevant technical expertise, such as traffic safety, urban design, and public health;
- people representing diverse social, cultural, and economic groups in the City; and
- people representing distinct geographic areas of the City, including at least one member from each of the five sectors of the City (Downtown, East, North, South, and Southwest), as defined in the map set forth in Petn No 274190.

Be It Further Resolved that the Committee shall also include non-voting members from City departments and partner agencies, as identified by the Committee, with an interest in and impact on pedestrian issues to provide expertise on pedestrian issues and to serve as a liaison between the Committee and City departments and partner agencies. The following City departments shall assign

a non-voting member to the Committee: the Public Works Department, the Bike/Walk Ambassador Program, the Community Planning and Economic Development Department, the Police Department, and the Health and Family Services Department. The following partner agencies shall be requested to provide a non-voting member to the Committee: Minneapolis Public Schools, Minneapolis Park and Recreation Board, Hennepin County, the Minnesota Department of Transportation, the University of Minnesota, the Metropolitan Council, and Metro Transit.

Be It Further Resolved that voting members shall be appointed through the open appointment process for two (2) year terms made through the Spring appointment cycle. All voting members shall be appointed in conformance with the open appointments process as outlined in Minneapolis Code of Ordinances Title 2, Chapter 14.180. Eight (8) members shall be appointed in odd-numbered years and seven (7) members appointed in even-numbered years.

Be It Further Resolved that non-voting members shall be assigned by City departments and partner agencies.

Be It Further Resolved that the Public Works Department shall provide staff support to the Committee.

Be It Further Resolved that the chair and officers of the Committee shall be selected by the Committee.

Be It Further Resolved that Committee members shall receive no compensation for service on the Committee and that the Committee shall have no budget.

Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

**T&PW** - Your Committee, having under consideration the 2010 Alley Resurfacing Program No FS10#1, now recommends passage of the accompanying resolution designating the locations and alleys to be improved in the program.

Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

Resolution 2010R-171, designating the improvement of the 2010 Alley Resurfacing Program No FS10#1 (15 alleys located throughout the City of Minneapolis), was adopted 4/16/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

### RESOLUTION 2010R-171 By Colvin Roy

### SPECIAL IMPROVEMENT OF EXISTING ALLEYS NO FS10#1 2010 ALLEY RESURFACING PROGRAM

Designating the improvement of the 2010 Alley Resurfacing Program (15 alleys located throughout the City of Minneapolis).

Resolved by The City Council of The City of Minneapolis:

That the following existing alleys within the City of Minneapolis are hereby designated to be improved, pursuant to the provisions of Chapter 10, Section 8 of the Minneapolis City Charter, by overlaying with bituminous material and including other related improvements and work as needed:

- 1. The alley running from 24th St W to 22nd St W between Fremont Ave S and Girard Ave S. (Ward 10)
- 2. The alley running from 33rd Ave N to 34th Ave N between Colfax Ave N and Dupont Ave N. (Ward 3)
- 3. The alley running from 33rd Ave N and 34th Ave N between Bryant Ave N and Aldrich Ave N. (Ward 3)

- 4. The alley running from 38th St W and 37th St W between Kings Hwy and Colfax Ave S. (Ward 10)
- 5. The alley running from 37th St W and 36th St W between Kings Hwy and Colfax Ave S. (Ward 10)
- 6. The alley running from 51st St W and 50th St W between Emerson Ave S and Fremont Ave S. (Ward 13)
- 7. The alley running from 29th Ave NE to 30th Ave NE between Ulysses St NE and Johnson St NE. (Ward 1)
  - 8. The alley running from 19th St E to 18th St E between 2nd Ave S and 3rd Ave S. (Ward 6)
- 9. The alley running from 33rd Ave N to 34th Ave N between Humboldt Ave N and Girard Ave N. (Ward 4)
- 10. The alley running from 28th Ave NE to 29th Ave NE between Ulysses St NE and Hayes St NE. (Ward 1)
- 11. The alley running from 45th St E to 44th St E between 42nd Ave S and 43rd Ave S. (Ward 12)
- 12. The alley running from 50th St W to 51st St W between Colfax Ave S and Dupont Ave S. (Ward 13)
- 13. The alley running from 46th St W to 47th St W between Nicollet Ave and Blaisdell Ave. (Ward 11)
- 14. The alley running from 17th Ave N to 16th Ave N between Penn Ave N and Oliver Ave N. (Ward 5)
- 15. The alley running from 14th Ave N to 16th Ave N between Sheridan Ave N and Russell Ave N. (Ward 5)

Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

**T&PW** - Your Committee, having received a cost estimate of \$432,062 for alley resurfacing improvements and a list of benefited properties for the 2010 Alley Resurfacing Program, Special Improvement of Existing Alleys No FS10#1, as designated by Resolution 2010R-171 passed April 16, 2010, now recommends that the City Engineer be directed to prepare a proposed Alley Resurfacing Special Improvement Assessment against the list of benefited properties by applying the 2010 Uniform Assessment Rates as per Resolution 2010R-038, passed January 29, 2010.

Your Committee further recommends that a public hearing be held on May 4, 2010, in accordance with Chapter 10, Section 8 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances, to consider approving the resurfacing of the above-designated alley locations, and to consider the amount proposed to be assessed to each benefited property and the amount to be funded by the City.

Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

**T&PW** - Your Committee, having under consideration the Nicollet Ave Street Resurfacing Project (Minnehaha Creek to 58th St), Special Improvement of Existing Street No 5212, now recommends passage of the accompanying resolution designating the locations and streets to be improved in the project.

Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

Resolution 2010R-172, designating the improvement of certain existing streets in the Nicollet Ave Street Resurfacing Project No 5212 (Minnehaha Creek to 58th St), was adopted 4/16/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

### RESOLUTION 2010R-172 By Colvin Roy

# 2010 STREET RESURFACING PROGRAM NICOLLET AVE STREET RESURFACING PROJECT (MINNEHAHA CREEK TO 58TH ST) SPECIAL IMPROVEMENT OF EXISTING STREET NO 5212

Designating the improvement of certain existing streets in the 2010 Street Resurfacing Program at the locations described hereinafter.

Resolved by The City Council of The City of Minneapolis:

That the following existing streets within the City of Minneapolis are hereby designated to be improved, pursuant to the provisions of Chapter 10, Section 8 of the Minneapolis City Charter, by asphalt mill and overlay and including other street resurfacing related improvements as needed:

Nicollet Ave from Minnehaha Creek to 58th St.

Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

**T&PW** - Your Committee, having received a cost estimate of \$725,000 for street resurfacing improvements and a list of benefited properties for certain locations in the Nicollet Ave Street Resurfacing Project (Minnehaha Creek to 58th St), Special Improvement of Existing Street No 5212, as designated by Resolution 2010R-172 passed April 16, 2010, now recommends that the City Engineer be directed to prepare a proposed Street Resurfacing Special Improvement Assessment against the list of benefited properties by applying the 2010 Uniform Assessment Rates as per Resolution 2010R-038, passed January 29, 2010.

Your Committee further recommends that a public hearing be held on May 4, 2010 in accordance with Chapter 10, Section 8 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances, to consider approving the resurfacing of the above-designated street locations, and to consider the amount proposed to be assessed to each benefited property and the amount to be funded by the City.

Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

**T&PW** - Your Committee, having under consideration the Chicago Ave Street Resurfacing Project (Lake St to 38th St E), Special Improvement of Existing Street No 5209, now recommends passage of the accompanying resolution designating the locations and streets to be improved in the project. Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

Resolution 2010R-173, designating the improvement of certain existing streets in the Chicago Ave Street Resurfacing Project No 5209 (Lake St to 38th St E), was adopted 4/16/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

### RESOLUTION 2010R-173 By Colvin Roy

## 2010 STREET RESURFACING PROGRAM CHICAGO AVE STREET RESURFACING PROJECT (LAKE ST TO 38TH ST E) SPECIAL IMPROVEMENT OF EXISTING STREET NO 5209

Designating the improvement of certain existing streets in the 2010 Street Resurfacing Program at the locations described hereinafter.

Resolved by The City Council of The City of Minneapolis:

That the following existing streets within the City of Minneapolis are hereby designated to be improved, pursuant to the provisions of Chapter 10, Section 8 of the Minneapolis City Charter, by asphalt mill and overlay and including other street resurfacing related improvements as needed:

Chicago Ave from Lake St to 38th St E.

Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

**T&PW** - Your Committee, having received a cost estimate of \$784,000 for street resurfacing improvements and a list of benefited properties for certain locations in the Chicago Ave Street Resurfacing Project (Lake St to 38th St E), Special Improvement of Existing Street No 5209, as designated by Resolution 2010R-173 passed April 16, 2010, now recommends that the City Engineer be directed to prepare a proposed Street Resurfacing Special Improvement Assessment against the list of benefited properties by applying the 2010 Uniform Assessment Rates as per Resolution 2010R-038, passed January 29, 2010.

Your Committee further recommends that a public hearing be held on May 4, 2010 in accordance with Chapter 10, Section 8 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances, to consider approving the resurfacing of the above-designated street locations, and to consider the amount proposed to be assessed to each benefited property and the amount to be funded by the City.

Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

### The TRANSPORTATION & PUBLIC WORKS and WAYS & MEANS/BUDGET Committees submitted the following reports:

**T&PW & W&M/Budget** - Your Committee, to whom was referred an ordinance amending Appendix G of the Minneapolis Code of Ordinances relating to *Bus Stop Shelters Franchise*, to allow an interim extension of the contract with CBS Outdoor from April 1, 2010 to June 30, 2010, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

Ordinance 2010-Or-043 amending Appendix G of the Minneapolis Code of Ordinances relating to Bus Stop Shelters Franchise, authorizing the execution of an interim franchise extension with CBS Outdoor from April 1, 2010 to June 30, 2010, was adopted 4/16/2010 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2010-Or-043
By Colvin Roy and Hodges
Intro & 1st Reading: 3/12/2010
Ref to: T&PW
2nd Reading: 4/16/2010

Amending Appendix G of the Minneapolis Code of Ordinances relating to Bus Stop Shelters Franchise.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Appendix G of the above-entitled ordinance be amended to read as follows:

An ordinance granting a franchise to CBS Outdoor, to own, operate and maintain shelters for transit passengers in the City of Minneapolis, Minnesota, setting forth conditions accompanying the grant of franchise and providing for the regulation and use of said shelters and the advertising placed thereon.

WHEREAS, the City of Minneapolis has, following reasonable notice, conducted a public hearing and public negotiation affording all persons reasonable opportunity to be heard, which proceeding was concerned with the analysis and consideration of the technical ability, financial condition, legal qualifications and general character of the franchisee; and

WHEREAS, the City of Minneapolis after such consideration, analysis and deliberation, has approved and found sufficient the technical capabilities, financial condition, legal qualification and character of said franchisee;

NOW, THEREFORE, the City Council of the City of Minneapolis do ordain as follows: That there is hereby created, granted and established a franchise for a period of ten (10) years for the construction, operation and maintenance of shelters for transit passengers with commercial advertising displayed thereon within the City of Minneapolis to CBS Outdoor.

**Section 1. Title.** This ordinance shall be known and may be cited as the "Bus Stop Shelters Franchise," hereinafter "franchise," and it shall become a part of the ordinances of the City.

Section 2. Definitions. The following terms shall mean:

- 2.1 City: The City of Minneapolis, Minnesota, a municipal corporation.
- 2.2 Company: CBS Outdoor
- 2.3 Council: The City Council of the City of Minneapolis.

**Section 3. Grant.** The City hereby grants to the Company a nonexclusive bus stop shelter franchise subject to all the terms and conditions as herein provided.

**Section 4. Rights and privileges of company.** The franchise granted by the City pursuant to this ordinance shall grant to the Company the right and privilege to construct, operate and maintain upon the public right-of-way of streets and highways within the City, at such locations as may be designated by the City, shelters with advertising displayed thereon on the terms and conditions hereinafter set forth.

**Section 5. Agreement.** Upon adoption of this franchise and execution hereof by the Company, Company agrees to be bound by all the terms and conditions contained therein.

The Company also agrees to provide all services set forth in its application and by its acceptance of the franchise the Company specifically agrees that the invitation for applications and the Company's application are thereby incorporated by reference and made a part of the franchise and this ordinance. In the event of a conflict between the application of the Company and the provisions of this ordinance, that provision which provides the greatest benefit to the City, in the opinion of the Council, shall prevail.

**Section 6. Term; renewal.** The term of the franchise granted by the City pursuant to this ordinance for a minimum of one hundred ninety (190) shelters shall be for a period of ten (10) years from and after the effective date hereof. Thereafter, the franchise may be renewed for an additional ten-year term on such terms and conditions as may be mutually acceptable to the City and Company.

The term of the franchise shall be renewed and extended from November 9, 1989 to November 8, 1999. The franchise may be renewed for an additional ten (10) years from November 9, 1999 to November 8, 2009, by written agreement of the City and Company; provided, that a refusal by either party to renew the franchise shall be based on clearly reasonable grounds, including the refusal of either party to agree upon modifications to this ordinance that are reasonably requested by the other party; however, neither party shall require as a condition of such renewal the amendment

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of any provision of this ordinance relating to the franchise fee, unless the reasonable financial or performance expectations of such party have been substantially unmet during the term of the franchise.

The term of the franchise shall be renewed and extended from November 9, 2009 to April 1, 2010 June 30, 2010, by written agreement of the City and Company; provided, that all franchise provisions in place up to and including November 8, 2009 shall carry over through April 1, 2010 June 30, 2010.

**Section 7. Commencement of term.** The franchise term shall commence with the adoption of this ordinance, provided that the Company has filed within thirty (30) days after publication of the ordinance, a written acceptance with the City Clerk in such form as the City Attorney may prescribe, and provided further that the bond, the evidence of comprehensive liability insurance and letter of credit, which are required by this ordinance, shall have been filed and approved by the City Attorney within ninety (90) days after the publication of the ordinance.

**Section 8.** Area. This franchise is granted for the entire area of the City of Minneapolis as it exists and as its borders may from time to time be changed.

**Section 9. Police powers.** In accepting this franchise, the Company acknowledges that its rights hereunder are subject to the police power of the City to adopt and enforce general ordinances necessary to the safety and welfare of the public; and it agrees to comply with all applicable general laws and ordinances enacted by the City pursuant to such power.

**Section 10. Other franchises.** No bus stop shelters with advertising displayed thereon shall be allowed to occupy or use the right-of-way of any street or highway within the City of Minneapolis without a franchise. This shall not, however, include shelters constructed by the Metropolitan Transit Commission (MTC). The rights hereby granted are not exclusive and the City may grant like rights to other persons during the term of this franchise.

**Section 11. Notices.** All notices from Company to the City pursuant to this franchise shall be to the City Engineer unless otherwise stated herein, or to any other officer of the City designated by the Council. Company shall maintain within the metropolitan area, throughout the term of this franchise, an address for service of notices by mail. Company shall also maintain within the metropolitan area, a local office and telephone number for the conduct of matters related to this franchise during normal business hours.

**Section 12. Fee for franchise; minimum fee.** (a) In consideration of the rights granted the Company by this franchise, the Company agrees to pay the City a fee based upon the annual gross revenues that the Company derives from advertising on shelters located within the City in accordance with the following schedule:

- (1) Twelve (12) percent for the remainder of 1989.
- (2) Six (6) percent in 1990.
- (3) For 1991 and thereafter the following percentages of annual gross revenues:
  - a. If annual gross revenues are less than seven hundred thousand dollars (\$700,000.00): Six (6) percent.
  - b. If annual gross revenues are seven hundred thousand dollars (\$700,000.00) or more, but less than nine hundred thousand dollars (\$900,000.00): Eight (8) percent.
  - c. If annual gross revenues are nine hundred thousand dollars (\$900,000.00) or more, but less than one million one hundred thousand dollars (\$1,100,000.00): Ten (10) percent.

- d. If annual gross revenues are one million one hundred thousand dollars (\$1,100,000.00) or more, but less than one million four hundred thousand dollars (\$1,400,000.00): Twelve (12) percent.
- e. If annual gross revenues are more than one million four hundred thousand dollars (\$1,400,000.00): Thirteen (13) percent.

Notwithstanding subsection (3) above, the franchise fee for the years 2000, 2001 and 2002 shall be no less than twelve (12) percent, and shall be thirteen (13) percent for 2003 through 2009 2010.

By renewing this franchise from November 9, 1999 to April 1, 2010 June 30, 2010, the company guarantees that the franchise fee paid to the City, after adjustment for credits allowed to the company, shall be at least one hundred thousand dollars (\$100,000.00) each for the years 2000, 2001 and 2002, and, at least one hundred ten thousand dollars (\$110,000.00) each for the years 2003 through 2010. If necessary, the fee payable for the final quarter of any year in which said minimum guarantee applies shall be computed and adjusted as provided in subsection (b) of this section so that no less than the minimum guaranteed fee shall be paid to the City with respect to any year.

- (b) The fee shall be paid to the City quarterly within thirty (30) days after the expiration of each calendar quarter. Each payment shall be based upon the gross revenues received in the calendar quarter immediately preceding the day of payment, except in the case of the last payment when the fee shall be paid within thirty (30) days after the expiration, termination or cancellation of the contract. The quarterly fee payment due shall be determined by multiplying the gross revenues for the quarter by that percentage that would be applied under subsection (a) assuming that the annual gross revenues will be four (4) times the gross revenues for the first quarter, two (2) times the revenue for the first and second quarters cumulatively, and one and one-third (1 1/3) times the revenue for the first, second and third quarters cumulatively. The fee payment due for the final quarter of the year shall be computed and adjusted, so that the total annual fee paid will be correct, applying the applicable percentage set forth in subsection (a) to the actual gross revenues for the entire year.
- (c) The gross revenue is defined as all advertising revenue derived directly or indirectly by the company, its affiliates, subsidiaries, parent or any person in which the company has a financial interest, from or in connection with the operation of the franchise prior to any deduction; provided, however, that this shall not include any taxes on services furnished by the Company herein imposed directly upon any advertiser by the City, state or other governmental unit and collected by the Company on behalf of said governmental unit.
- (d) The company shall receive a credit against the franchise fee equal to ten (10) percent of that portion of its annual Minneapolis shelter maintenance costs that exceeds the maintenance ceiling amount. The maintenance ceiling amount shall be eighty-four thousand dollars (\$84,000.00) for 1990 and shall be adjusted for 1991 and annually thereafter in a percentage equal to annual increases in the consumer price index (CPI). The shelter maintenance costs shall include the unrecovered cost of repairs made to Minneapolis shelters due to damage and vandalism. The credit shall be applied first to the portion of the franchise fee that is payable for the first quarter of the calendar year following the year that the credit accrues, beginning with the portion of maintenance costs incurred in 1990, if any, to be credited against the first quarterly payment of 1991. Any portion of a credit that cannot be used because insufficient fee payments are due may be carried over to be applied against fee payments with respect to the ensuing quarters of the same year, but may not be carried over to be applied against fee payments for ensuing years. Under no circumstances shall the credit allowed the Company hereunder result in any obligation of the City to pay or reimburse the Company for any shelter maintenance costs, nor shall such credit entitle the Company to set off such costs against any monetary or nonmonetary obligations or duties owed by the Company to the City other than the franchise fee. The maintenance

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ceiling amount shall be set at one hundred six thousand four hundred eighty dollars (\$106,480.00) for the year 2000 subject to annual adjustment for 2001 and thereafter in a percentage equal to annual CPI adjustments.

**Section 13.** Accounts and records. The Company shall keep books of account and records of all business transacted and costs incurred in connection with the purchase, manufacture and installation of the shelters and advertising on shelters, showing all financial transactions including receipts and disbursements and the particulars thereof in a form satisfactory to the City Comptroller-Treasurer. Company shall make such books of account and records available at all reasonable times for inspection, examination or audit by city officers, employees or agents. Company shall submit such statements in regard to revenue as the City Comptroller-Treasurer may reasonably require.

The Company shall file annually with the City Comptroller-Treasurer, no later than one hundred twenty (120) days after the end of the Company's fiscal year, a copy of a financial report applicable to the Minneapolis bus shelter system, including an income statement relating to its operations during the fiscal year and a balance sheet, both of which shall be certified as correct by an independent certified public accountant, and a statement of its properties, equipment and facilities which are located upon the streets, highways and public places within the City giving its investment in such facilities on the basis of original cost less applicable depreciation. These reports shall be certified as correct by an authorized officer of the Company and there shall be submitted along with them such other reasonable information as the City shall request with respect to the Company's facilities and expenses related to its bus stop shelter system operations within the City.

The Company shall also file with the City Clerk copies of its articles of incorporation, bylaws, agreements with any other person relating to the ownership of the bus stop shelter system, and amendments of such documents as they become effective.

**Section 14. Insurance.** The Company shall, during the entire term of the franchise, maintain in force, at its own expense, a policy of comprehensive liability insurance approved by the City Attorney, to be filed and maintained with the City Clerk. The insurance policy shall insure the City, members of its boards and commissions and its officers and employees, and the Company from all liability on account of injuries, death or damage to any person or persons and damage to property arising out of or resulting from or in connection with the construction, operation, maintenance, location, placement or removal of any shelter or other facility of the Company, or occasioned by any of the activities of the Company, its officers, agents or employees under this franchise. Minimum liability limits under the policy are to be two hundred thousand dollars (\$200,000.00) for bodily injury or death of any one (1) person; six hundred thousand dollars (\$600,000.00) for bodily injury or death of more than one (1) person in a single occurrence; and two hundred thousand dollars (\$200,000.00) for more than one (1) claimant in a single occurrence.

The policy shall be of a type in which coverage is restored immediately after the occurrence of any loss or accident from which liability may thereafter accrue. The policy shall contain an endorsement which shall provide that no cancellation shall become effective without thirty (30) days' prior notice in writing to the City of intent to cancel or not to renew. In the event such insurance is canceled and the Company shall fail to immediately replace it with another equivalent policy, the City may terminate the franchise and declare it to be forfeited.

**Section 15. Indemnification.** (a) The Company shall fully indemnify, defend and save harmless the City, its officers, boards, commissions and employees from any and all claims, suits, actions, liability and judgments for damages (including but not limited to expenses for reasonable legal fees and disbursements assumed by the City in connection therewith):

(1) For injury or death to any person or persons or damage to property arising from or in connection with the acts of the Company, its officers, agents or employees in the

- construction, operation, maintenance, location, placement or removal of any bus stop shelter or other facility of the Company;
- (2) Arising out of the placement or display of any advertisements, notices, signs or posters on any shelter; or
- (3) Arising out of the exercise of any other right or privilege under the franchise.
- (b) In the event that suit is brought or that damages or other recourse shall be sought against the City, either independently or jointly with the Company on account of or arising out of any injury, death, property damage or activity of the Company referred to in subparagraph (a) of this section, the Company, upon notice by the City, shall defend the City in such suit or action at the cost of the Company, and in the event of final judgment being obtained against the City, either independently or jointly with the Company, the Company shall indemnify the City and pay such judgment with all costs and hold the City harmless therefrom. The Company shall pay all expenses incurred by the City in defending itself with regard to all damages and liability referred to in this section. Nothing herein shall be deemed to prevent the City from participating in the defense of any litigation by its own counsel at its own sole cost and expense.
- **Section 16. Assignment or transfer.** (a) The franchise shall not be sold, assigned or transferred, either in whole or in part, or leased, sublet, or mortgaged in any manner, nor shall title thereto, either legal or equitable or any right, interest or property therein, pass to or vest in any person without the prior consent of the City Council. Any assignee, lessee, mortgagee and any person or entity having or acquiring any interest, right or title in or to the facilities that are installed or operated hereunder must show financial responsibility as determined by the City and agree to comply with all provisions of the franchise. Any document by which any interest, right or title to the franchise or the facilities that are installed or operated hereunder are transferred to or vested in any person shall, by its terms, be expressly subordinate to the terms and conditions of the franchise.
- (b) The Company shall promptly notify the City by certified mail, return receipt requested, of any actual or proposed change in, or transfer of, or acquisition by any other party of, control of the Company or the facilities installed hereunder. The word "control" as used herein is not limited to major stockholders but includes actual working control in whatever manner exercised. Any transfer, sale or assignment of the franchise, or control of the company, or facilities that are installed or operated hereunder shall be cause for forfeiture of the franchise unless and until the City shall have consented thereto, which consent shall not be unreasonably withheld. The City shall be deemed to have consented to a transfer or acquisition of stock in the Company unless the City disapproves the same within thirty (30) days after it receives notice of any proposed or actual transfer of stock or notifies the Company within thirty (30) days that additional time is necessary to consider the matter. The Company shall, when it files its acceptance of this franchise, also file a list of its stockholders, all agents or nominees of the Company, and all persons having a beneficial interest therein stating the nature of such interest.
- **Section 17. Locations.** No shelter shall be placed upon the public street or highway right-of-way until the following procedure has been accomplished and the location has been approved by the Council:
- (a) The Company shall give written notice to abutting property owners at least ten (10) days prior to the date set for public hearing and furnish them with a site plan upon their request.
- (b) The Company shall print, in a newspaper of general circulation in the City of Minneapolis, at least ten (10) days prior to the date set for public hearing, notice of such public hearing.
- (c) The Company shall submit to the City Engineer, and any other public body that the Engineer may designate a site plan, a description of how electrical service will be provided and any unique shelter design required to accommodate the shelter to the location, and any other information the City Engineer

may require. No shelter may be placed upon the public right-of-way unless the site plan is approved by the City Engineer.

- (d) The Company shall notify all utility locators and submit to the City Engineer proof that such notice has been given.
- (e) The Company must obtain all building and other required permits from the City or any other agency of government as the law requires, including a permit from the proper road authority if other than the City.

The Council shall, through a designated committee, hold a public hearing with regard to the approval of all locations. All locations and installations must conform to the Zoning Ordinance of the City.

**Section 18. Performance bond.** Within ninety (90) days after the publication of this ordinance, the Company shall file with the City Clerk a performance bond in the amount of two hundred thousand dollars (\$200,000.00) in favor of the City. The bond shall be maintained throughout the term of the franchise and until the Company shall have liquidated all of its obligations with the City. In the event the Company fails to comply with any law, ordinance or regulation governing the franchise or fails to well and truly observe, fulfill and perform each term and condition of the franchise, including the Company's application which is incorporated as though fully set out herein, there shall be recoverable, jointly and severally, from the principal and surety of the bond, any damages or loss suffered by the City as a result, including the full amount of any compensation due the City, indemnification for the cost of removal and storage of any shelter, plus a reasonable allowance for attorney's fees, including the City's legal staff, and costs up to the full amount of the bond.

The bond shall also be conditioned upon the removal at the expiration or termination of the franchise of the Company's shelters and the restoration of the streets and public places of the City to their former condition. The bond shall contain an endorsement that no cancellation shall be effective until ninety (90) days after receipt by the City Clerk of a written notice of intent to cancel or not to renew sent by certified mail, return receipt requested. No cancellation shall be effective if the surety has received notice by the City of the Company's default. The bond may not be canceled and shall remain in effect in the period commencing at the expiration or termination of the franchise and for three hundred sixty-five (365) days thereafter.

From and after July 28, 1986, the required amount of the performance bond shall be fifty thousand dollars (\$50,000.00).

Section 18A. Optional letter of credit. In lieu of the performance bond required under Section 18, the Company may elect to give the City a letter of credit for fifty thousand dollars (\$50,000.00) issued by a bank in the metropolitan area. The letter of credit shall provide that it may be drawn upon under the same circumstances as a surety would be subject to a claim under its bond as provided in section 18 with respect to the performance bond, except that the letter of credit shall be subject to a draw without any previous demand upon, or notice to the Company. The letter of credit shall also be subject to a draw if it is effective for a limited term and is not replaced by a replacement letter of credit at least thirty (30) days before expiration. The letter of credit shall also be in a form approved by the City Attorney and shall be on file with the City Clerk and remain so until three hundred sixty-five (365) days after the expiration or termination of the franchise.

### Section 19. Reserved.

**Section 20.** Removal of shelter. (a) The Council may order Company to remove any shelter when it reasonably determines that it is no longer of any benefit to the public, when there is no longer a bus stop at the location or when it finds that maintenance is inadequate under Section 23 herein. If the City requires removal of a bus shelter because of relocation of all or part of a bus route, because of inadequate

maintenance, or because if it is no longer of any benefit to the public, the City shall give the Company thirty (30) days after written notice to remove the shelter.

- (b) If a shelter must be temporarily removed for construction done by any governmental unit or its contractor, Company shall, after being given two (2) weeks' written notice, remove the shelter. If the company fails to remove the shelter within said two-week period, the city may cause the shelter to be removed. The City may also, upon two (2) weeks' written notice, order the Company to temporarily remove a shelter for an abutting owner's construction at such owner's expense.
- (c) Except as provided in subsection (b), if the Company fails promptly to remove a shelter when ordered to do so by the City Engineer or Council, the City may have the shelter removed within thirty (30) days after written notice to the Company, and the Company shall pay the cost of removal or storage thereof.
- (d) If the City requires the permanent or temporary removal of more than four (4) shelters in one (1) calendar year, the City shall grant a credit of eight hundred dollars (\$800.00) per shelter for each such removal above four (4). If the City, through its forces or contract forces, provides the electrical conduit work and concrete work needed to relocate a removed shelter, no credit shall be due for that removal. The credit shall be credited against the franchise fee when the quarterly franchise fee is paid to the City with respect to the first quarter of the following year, commencing in 1991. The credit for removal costs shall be readjusted annually to reflect any increase in the consumer price index (CPI). There shall, however, be no credit with respect to shelters ordered removed for inadequate maintenance, for abutting owners' construction, or for construction by or for any governmental unit other than the city, nor with respect to shelters ordered to be removed by the city because of the discontinuance or relocation of bus stops by metro transit or its successor. No credit shall be granted for removal of any shelter unless the company gives notice to the city of its intention to claim the credit and the city engineer or his designee authorizes the credit prior to or within sixty (60) days after the removal of the shelter, which authorization shall not be unreasonably withheld. If there is a non-city governmental construction project, the City of Minneapolis shall use its best efforts to inform the other governmental unit as early as possible in the project to work with the company to have the removal and relocation expenses covered by the governmental unit doing the project. No part of this ordinance shall be deemed to prohibit the company from obtaining moving expense reimbursement from any entity other than the city.

**Section 21. City Engineer to regulate installation.** The City Engineer shall regulate the installation of shelters and if, in the opinion of the City Engineer, the shelter installation is hazardous the Council may order the Company to take necessary steps at its own cost to remove or relocate the shelter or make the necessary repairs to correct the hazard. The City Engineer has the right to conduct reasonable inspections of shelters for this purpose.

In regulating the installation of shelters, the City Engineer shall regulate the size of shelters installed, its orientation or placement on the site, and any preparatory or remedial site work. When the City has approved a site plan, the Company shall submit detailed amended plans showing any discrepancies between the site plan approved and the work completed.

**Section 22. City may require shelters; installation schedule.** The City may require the Company to install shelters at such locations [as] it may designate within the City and may require the Company to take the procedural steps necessary for the approval of such locations as specified in Section 17 herein within thirty (30) days after it designates such location or locations.

Shelters shall be installed at a location within three (3) months after the location is approved by the Council; provided, however, that the Company shall not be required to install more than one hundred (100) shelters in any three-month period.

The months of December, January, February and March shall not be included in determining either three-month period. If the Company establishes that the cost of maintaining a shelter during any six-month period exceeds the actual costs of installing the shelter the Company shall not be required to keep and maintain a shelter at such location; otherwise no shelter may be removed from an approved location without the consent of the Council. The City shall not permit any other bus stop shelter franchisee to install a shelter within one (1) block of a shelter installed and maintained by the Company.

**Section 23. Maintenance.** The Company will maintain all shelters to the reasonable satisfaction of the City Engineer as set out below. Maintenance includes cleaning and washing the entire shelter inside and out, removal of graffiti, stickers, posters, notices, and the like, removal of litter, weeds and grasses inside and adjacent to the shelter, repair and replacement of damaged or broken parts, the supply of replacement parts, replacement of burned-out lighting fixtures, the supply of electrical energy, and cleaning snow from inside the shelter, and cleaning snow, dirt and debris in the area between the shelter and the curbline. The Company shall clean and wash and remove graffiti, stickers, posters, litter and weeds at each shelter at least twice every month, or more frequently if required, to keep each shelter free of any noticeable accumulation of dirt, dust marks, stickers, posters, litter or weeds. The Company shall clean any accumulation of snow from inside the shelter and from the area between the shelter and the curbline within forty-eight (48) hours after a snowfall of four (4) inches or more.

The Company shall inspect each shelter at least once every four (4) calendar days for any damaged or broken parts or burned-out lighting fixtures and the Company shall repair or replace damaged or broken parts and burned-out lighting fixtures within twenty-four (24) hours after the Company becomes aware of the damage, breakage or burnout.

Section 24. Advertising. The Company shall limit advertising to one-third of the area of the vertical surface of the shelter and all such advertising must be displayed on one (1) or both sides of a single panel of the shelter, which panel shall not be larger than four (4) feet by six (6) feet in dimension. The Company shall not permit obscene, immoral or indecent advertising. The company shall not display advertising for the election campaigns of candidates for the offices of Minneapolis mayor or council member, but may, in its discretion, display other political advertisements. The Company shall not allow more than thirty (30) percent of the Company's combined total advertising space on all shelters in the City to pertain to tobacco or alcoholic beverage products at any time. The Company shall not place any alcoholic beverage advertising within five hundred (500) feet of any church, school or playground. The Company, in accepting this franchise, agrees to remove any advertising which the Council determines to be inappropriate to the particular location or surroundings of the shelter or inappropriate as a use of the public street right-of-way. The Company shall provide equal access to all advertisers at reasonable rates. The Company shall, upon notice, remove any advertisement of a private company or a commercial product or service that has been placed or displayed on a shelter on the same street and within one (1) city block of any property owned or leased by a company which is in competition with, or which, as its principal and primary business, markets a product or service which is in competition with the company, product or service which is advertised.

Advertising may be placed on shelters only in accordance with the Minneapolis Zoning Ordinance.

**Section 25. Forfeiture.** (a) The City shall, in addition to any other rights it may have, have the right to declare that the Company has forfeited the franchise in the event of a substantial breach of its terms and conditions including, but not limited to, the following circumstances:

- (1) If the Company becomes insolvent or is declared bankrupt or makes any assignment for the benefit of its creditors; or
- (2) If the Company assigns or transfers or attempts to assign or transfer the franchise, or sells or leases or attempts to sell or lease any of its shelters without the Council's permission; or

- (3) If the Company fails to install shelters on schedule as required in Section 22 of this ordinance, or fails to conform to the specifications contained in its application or the invitation for applications, or fails to construct the shelters in a workmanlike manner to the satisfaction of the City Engineer and in conformity with this ordinance, or if the Company refuses or neglects when so ordered to take down, rebuild or repair any defective or unsatisfactory work or to maintain the shelter as required under Section 23 herein; or
- (4) If the Company fails to remove any shelter when ordered to do so in accordance with this ordinance; or
- (5) If the Company refuses or neglects to comply with any reasonable order of the City Engineer; or
- (6) If the Company persists in any course of conduct in violation of any of the provisions of this ordinance; or
- (7) If the City receives notice of intention not to renew or the Company fails to keep in force its insurance, bond and letter of credit required herein.

The foregoing shall not constitute a substantial breach if the breach occurs as a result of circumstances over which the Company has no control. The Company shall not be excused by mere economic hardship nor by the neglect of its officers, agents or employees.

- (b) The City Engineer may make a written demand by certified mail, that the Company comply with any such provision, rule, order or determination under or pursuant to this franchise. Such notice shall be entitled "Forfeiture and Termination Notice." If the violation by the Company continues for a period of thirty (30) days or more following such written demand, without having been corrected or remedied, the matter of forfeiture and termination of the franchise shall then be taken before the City Council. The City shall cause to be served upon the Company at least twenty (20) days prior to the date of such council meeting a written notice of intent to terminate the franchise, including the time and place of the meeting. Public notice shall be given of the meeting and issue which the Council is to consider. The City Council, or a committee thereof, shall hear and consider the issue and the Council shall, in its discretion, determine whether there has been a substantial breach. If the Council determines that there has been a substantial breach, the Company shall have such period of time as the Council may set, but not less than thirty (30) days in which to cure the breach, provided that no opportunity for cure need be given for fraud or misrepresentation. At the expiration of the period of time set for compliance, the Council may terminate the franchise forthwith upon finding that the Company has failed to cure the breach. If the Company fails to cure, the City or any stockholder of the Company may cure and the expense incurred shall be a debt of the Company to the stockholder or the City, as the case may be.
- (c) In the event of forfeiture, the Company shall also forfeit to the City all equipment and facilities that may be located along, over or under any street or highway within the City, unless such property is removed by the Company within ninety (90) days from the date of forfeiture. The performance bond posted in accordance with Section 18 shall remain posted to insure that the streets, highways and public places from which such equipment is removed shall be placed in good condition.

**Section 26.** Disposition of shelters on expiration of franchise. (a) In the event that the franchise expires and is not renewed, the City may purchase the shelters and facilities then in place upon such terms and for such consideration as may be agreed to by the City and the Company prior to the expiration of the franchise or within ninety (90) days following such expiration the City elects to award a franchise to any other person or company, and the City elects to have the new franchisee operate and maintain the shelters which have been installed pursuant to this franchise, then the new franchisee shall purchase such shelters on such terms and for such consideration as may be agreed to by the new franchisee and the Company.

(b) Notwithstanding the provisions of paragraph (a) of this section, in the event that the term of this franchise expires and the City and Company have not renewed the franchise for an additional term, the Company shall at its own expense remove all of the shelters and facilities which it has installed or caused to be installed upon or below the public streets and highways or public places of the City and shall restore the streets and highways of the City to their former condition in a manner satisfactory in the judgment of the City Engineer. If the Company fails to remove all such shelters and facilities within ninety (90) days after the expiration of the franchise, the City may have the shelters and facilities removed and require the Company to pay the cost of such removal. In the event that the shelters and facilities have not been sold pursuant to paragraph (a) of this section or removed by the Company, all right and title to the shelters shall be deemed to have passed to and vested in the City. The Company agrees that in such circumstances it will execute such documents as the City Attorney may require to transfer the title to such shelters and facilities.

Section 27. Right of abutting property owner to construct shelter. Abutting property owners shall have the first right and privilege to construct, operate and maintain shelters upon the public right-of-way of streets and highways of the City, at locations on or adjacent to the property of the owner. The abutting property owner shall give written notice to the Council and the Company of its election to construct a shelter at a given location no later than the date of the public hearing for the location of any shelter. If the abutting property owner so elects, the Company may not construct a shelter at that location unless the abutting property owner consents in writing or fails to take affirmative measures to construct the shelter within ninety (90) days of its election. By electing to exercise its aforementioned first right and privilege, the abutting owner agrees to:

- (a1) Permit no advertising on the shelter;
- (b2) At all times maintain insurance pursuant to the terms of Section 14 of this ordinance;
- (e3) Acknowledge that its rights are subject to the police power of the City pursuant to Section 9 of this ordinance;
- (d4) Defend, indemnify and hold harmless the City, its officers and employees according to the terms and conditions of Section 15 of this ordinance;
- (e<u>5</u>) Submit all plans, specifications and drawings to the City Engineer for approval prior to commencement of construction of the shelter. The City Engineer shall regulate the installation of the shelters pursuant to Section 21. If the structural design of the shelter is similar to the structural design of the Company's shelter, the City Engineer shall require for his approval that the design, plans and engineering specifications be at least substantially equivalent in quality to those of the Company's shelters;
- (f6) Maintain its shelter pursuant to Section 23 of this ordinance.

In the event the abutting owner fails to comply with any of the terms and conditions hereof, the City may require the owner to remove the shelter at its own expense.

**Section 28. Civil rights.** The Company shall at all times comply with the provisions of Chapter 139 of the Minneapolis Code of Ordinances and applicable state and federal law regarding nondiscrimination and civil rights.

**Section 29. Severability.** If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Adopted 4/16/2010.

**T&PW & W&M/Budget** - Your Committee, having under consideration the University of Minnesota Trail Project, Phase III, now recommends passage of the accompanying resolution authorizing the execution of an interagency agreement with the Minnesota Department of Transportation for federal participation in the acquisition of right-of-way for the project.

Adopted 4/16/2010. Absent - Schiff, Colvin Roy. Approved by Mayor Rybak 4/16/2010. (Published 4/20/2010)

Resolution 2010R-174, authorizing the execution of an interagency agreement with the Minnesota Department of Transportation for federal participation in right-of-way acquisition for the University of Minnesota Trail, Phase III (City Project No 9847), pending satisfactory review by the proper City officers, was adopted 4/16/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

### RESOLUTION 2010R-174 By Colvin Roy and Hodges

Authorizing the execution of an interagency agreement with the Minnesota Department of Transportation for federal participation in right-of-way acquisition for the University of Minnesota Trail, Phase III (City Project No 9847), pending satisfactory review by the proper City officers.

Whereas, in 2007 the City of Minneapolis pursued and received a federal aid grant in the amount of \$2,500,000 to cover costs associated with right-of-way acquisition, design, construction, and construction engineering on the University of Minnesota Trail, Phase III; and

Whereas, that pursuant to Minnesota Statute 161.36, Subd. 2, the federal aid funds are distributed to the states through the State Highway Agency, which are then made available to the local agencies for eligible transportation projects; and

Whereas, in the State of Minnesota, the Minnesota Department of Transportation (Mn/DOT) Commissioner of Transportation is the appointed Agent to distribute these funds; and

Whereas, before the project costs are eligible for reimbursement, the City of Minneapolis needs to enter into an agreement with Mn/DOT which outlines the use of the funds and the conditions of the agency as prescribed by federal laws; and

Whereas, the agreement is for federal participation in right-of-way;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the proper City officers are hereby authorized and directed, on behalf of the City, to execute and enter into an agreement with the Mn/DOT Commissioner of Transportation prescribing the terms and conditions of said federal aid participation, as set forth and contained in Minnesota Department of Transportation Agency Agreement for Right-of-Way Acquisition.

Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

Approved by Mayor Rybak 4/16/2010.

**T&PW & W&M/Budget** - Your Committee, having under consideration the replacement of the bridge deck on the Chicago Avenue Bridge over I-94 by the Minnesota Department of Transportation (Mn/DOT), now recommends passage of the accompanying resolution authorizing the proper City officers to negotiate and execute an agreement with Mn/DOT for City of Minneapolis costs associated with the project.

Adopted 4/16/2010. Absent - Schiff, Colvin Roy. Approved by Mayor Rybak 4/16/2010. (Published 4/20/2010)

### **APRIL 16, 2010**

Resolution 2010R-175, authorizing the negotiation and execution of an agreement with the Minnesota Department of Transportation relating to costs associated with the bridge deck replacement of the Chicago Ave bridge over I-94, was adopted 4/16/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

### RESOLUTION 2010R-175 By Colvin Roy and Hodges

Authorizing the negotiation and execution of an agreement with the Minnesota Department of Transportation.

Resolved by The City Council of The City of Minneapolis:

That the proper City officers be authorized to negotiate and execute an agreement with the Minnesota Department of Transportation for the City of Minneapolis costs associated with the bridge deck replacement of the Chicago Avenue Bridge over I-94.

Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

Approved by Mayor Rybak 4/16/2010.

**T&PW & W&M/Budget** - Your Committee recommends that the proper City officers be authorized to enter into an agreement with Hennepin County for cost participation in the improvements of the Franklin Avenue (CSAH 5) and East River Pkwy Intersection. Funding is available from Central Corridor LRT Study Betterment Projects.

Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

**T&PW & W&M/Budget** - Your Committee recommends that the proper City officers be authorized to negotiate and execute a contract with the Minnesota Ballpark Authority for cost participation in a pedestrian improvement project, pending satisfactory review by the City Attorney's Office.

Your Committee further recommends that the proper City officers be authorized to negotiate and execute an agreement with the Target Center and their facility management company, AEG, to maintain the aesthetic improvements associated with the pedestrian improvement project, pending satisfactory review by the City Attorney's Office.

Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

**T&PW & W&M/Budget** - Your Committee, having under consideration the abatement of graffiti that cannot be successfully abated by Solid Waste and Recycling staff, now recommends that the proper City officers be authorized to negotiate and execute a contract for said services with the following two companies, for a combined contract total for both firms not to exceed \$250,000 per year:

- a) Mobile Washers; and
- b) Sani-Masters, Inc.

Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

**T&PW & W&M/Budget** - Your Committee recommends that the proper City officers be authorized to apply for grant funding from Hennepin County for the purpose of implementing a pilot program to collect recyclable materials in an alternative manner.

Your Committee further recommends that staff be directed to return to the Transportation & Public Works Committee with a scan of upcoming issues and changes to solid waste management and recycling, as well as options for dealing with those changes.

Adopted 4/16/2010.

**T&PW & W&M/Budget** - Your Committee, having under consideration the on-street parking meter system, with staff recommendations as follows:

- a) That the proper City officers be authorized to negotiate and execute agreements for on-street parking meter technology with the following three companies: Cale, IPS, and POM;
- b) Passage of the accompanying resolution increasing the appropriation for the on-street parking meter program by \$6,600,000; and
- That the proper City officers be authorized to issue an RFP for parking enforcement devices, pending PRC approval;

now recommends:

T&PW - Approval.

W&M/Budget - Approval of parts (a) and (b), and approval of part (c) as amended to read as follows:

c) That the proper City officers be authorized to issue an RFP for parking enforcement devices, pending PRC approval and ISPSG review.

Reich moved that the report be amended by approving the Ways & Means/Budget Committee recommendation and deleting the Transportation & Public Works Committee recommendation.

Adopted by unanimous consent.

Absent - Schiff, Colvin Roy.

The report, as amended, was adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

### RESOLUTION 2010R-176 By Colvin Roy and Hodges

### Amending the 2010 Capital Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation and revenue in the Municipal Parking Enterprise Fund in the PW-Traffic & Parking Services Department (07500-685-0600) by \$6,600,000 for the On-Street Parking Meter System.

Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

**T&PW & W&M/Budget** - Your Committee, having under consideration the accompanying resolution increasing the appropriation in the Transportation Maintenance and Repair Division's General Fund and decreasing the Contingency Fund by \$500,000 for the purpose of increasing the number of general pavement repair crews performing pothole patching from four to eight for a sevenweek period, now recommends:

**T&PW** - That said resolution be sent forward without recommendation.

W&M/Budget - Passage of said resolution.

Reich moved that the report be amended by approving the Ways & Means/Budget Committee recommendation and deleting the Transportation & Public Works Committee recommendation.

Adopted by unanimous consent.

Absent - Schiff, Colvin Roy.

The report, as amended, was adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

### RESOLUTION 2010R-177 By Colvin Roy and Hodges

### Amending the 2010 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by:

- a) Increasing the 2010 appropriation in the Public Works Department (00100-6070500) by \$500,000; and
- b) Decreasing the Contingency Fund appropriation (00100-1750100) by \$500,000.

Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

**T&PW & W&M/Budget** - Your Committee recommends acceptance of the following low bids submitted to the Public Works Department on OP No 7260 to furnish and deliver bituminous mixtures as needed and called for through March 31, 2011:

- a) Commercial Asphalt Company, for an estimated annual expenditure of \$5,500,000; and
- b) Midwest Asphalt Corporation, for an estimated annual expenditure of \$250,000.

Your Committee further recommends that the proper City officers be authorized and directed to execute a contract for said service, all in accordance with City specifications and contingent upon approval of the Civil Rights Department.

Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

### The TRANSPORTATION & PUBLIC WORKS, WAYS & MEANS/BUDGET and ZONING & PLANNING Committees submitted the following report:

**T&PW, W&M/Budget & Z&P** - Your Committee, having under consideration the Pioneers and Soldiers Cemetery Fence Rehabilitation Project, now recommends:

- a) That the proper City officers be authorized to execute agreements, as appropriate, for the purpose of obtaining donations for the Pioneers and Soldiers Fence Rehabilitation Project;
- b) Acceptance of 2008 and 2009 State Historic Preservation Office (SHPO) Grant-In-Aid awards in the amounts of \$100,000 and \$35,500, respectively, for the project;
- c) Passage of the accompanying resolution accepting a \$10,800 donation from Friends of the Cemetery, a nonprofit organization dedicated to the preservation of Pioneers and Soldiers Cemetery; and
- d) Passage of the accompanying resolution increasing the appropriation for the project by \$146,300 to reflect the receipt of said funds.

Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

Resolution 2010R-178, authorizing the acceptance of a donation of \$10,800 for the Pioneers and Soldiers Cemetery Fence Rehabilitation Project, was adopted 4/16/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

### RESOLUTION 2010R-178 By Colvin Roy, Hodges and Schiff

Authorizing the acceptance of a donation of \$10,800 for the Pioneers and Soldiers Cemetery Fence Rehabilitation Project.

Resolved by The City Council of The City of Minneapolis:

That the proper City officers be authorized to accept a donation of \$10,800 from the Friends of the Cemetery, a nonprofit organization dedicated to the preservation of Pioneers and Soldiers Cemetery, to be utilized for the Fence Rehabilitation Project.

Adopted 4/16/2010.

### RESOLUTION 2010R-179 By Colvin Roy, Hodges and Schiff

### Amending the 2010 Capital Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by:

Increasing the appropriation in the Capital Improvements Fund/Department (04100-9010923-513007-CPS0610000) by \$146,300 and increasing the revenue sources (01600-3215) by \$135,500 and (04100 9010923-322502) by \$10,800.

Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

### The WAYS & MEANS/BUDGET Committee submitted the following reports:

**W&M/Budget** - Your Committee recommends passage of the accompanying resolution authorizing the settlement of legal matters, as recommended by the City Attorney.

Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

Resolution 2010R-180, authorizing the following three settlements: *Thomas Davison; Leeroi Jointer; and Latora Powers*, was adopted 4/16/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

### RESOLUTION 2010R-180 By Hodges

#### Authorizing legal settlements.

Resolved by The City Council of The City of Minneapolis:

That the City Attorney is authorized to proceed with the settlement of:

- a) Thomas Davison v. City of Minneapolis, by agreeing to pay the employer portion of a single medical insurance plan for Thomas Davison until age 65, and for Kathy Davison until age 65, from Internal Service Self Insurance Fund (06900-1500100-145280);
- b) Leeroi Jointer v. City of Minneapolis, by payment of \$7,500 to Leeroi Jointer and his counsel Christina M. Makens and Joseph J. Osterbauer, of the Osterbauer Law Firm, from the Internal Service Self Insurance Fund (06900-1500100-145400); and
- c) Latora Powers v. City of Minneapolis, by payment of \$10,000 to Latora Powers and her attorney, Timothy O'Brien, from the Internal Service Self Insurance Fund (06900-1500100-145400).

Further, authorize the City Attorney's Office to execute any documents necessary to effectuate the settlements.

Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

**W&M/Budget** - Your Committee recommends that the City Attorney's Office be authorized to amend the current contract (C-24508) for legal services between the City of Minneapolis and Kennedy & Graven, so that the compensation payable under said agreement not exceed \$700,000 for the term of the agreement.

Adopted 4/16/2010.

**W&M/Budget -** Your Committee, having under consideration the Crime Victim/Witness Liaison Service, now recommends authorizing the City Attorney's Office to enter into a contract with the Council on Crime and Justice, from April 1, 2010 to December 31, 2011, at a cost of \$438,837. No additional appropriation required.

Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

**W&M/Budget -** Your Committee, having under consideration the City's current agreement with Environmental Systems Research Institute (ESRI) providing software licensing, support and upgrades of its geographical information software for use by BIS and other City departments, now recommends authorizing proper City officers to execute a contract granting ESRI a Contributor License and allow the City to participate in the ArcGIS Online Content Sharing Program.

Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

**W&M/Budget** - Your Committee, having under consideration the Lease Agreement between Minneapolis Television Network (MTN) and Deacon Flats, LLC, now recommends authorizing MTN to enter into a five (5) year lease agreement for the facility at St. Anthony Main, with an option to renew an additional five (5) years with Deacon Flats LLC, as set forth in Petn No 274196.

Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

**W&M/Budget -** Your Committee recommends approval of the May 2010 utility billing insert on behalf of the City Coordinator - Sustainability, about the presence of emerald ash borer in Minneapolis. (Petn No 274196).

Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

**W&M/Budget** - Your Committee, having under consideration the Bike Share Program, now recommends authorizing payment of \$250,000 to Nice Ride Minnesota, a 501c3 non-profit organization, for the purpose of bikes and kiosks for the Convention Center and six Convention Center related facilities. No additional appropriation required.

Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

- **W&M/Budget** Your Committee, having under consideration Contract No 27395 with public artist/landscape architect team of Frank Stone and Marjorie Pitz for public art for the 5 Points "Delisi's" Project at 2119 West Broadway, now recommends authorizing proper City officers as follows:
- a) Amend contract between the City and Frank Stone, waiving his copyrights for any designs produced during the initial design phase of the project in order for the city to commission Marjorie Pitz to further refine and implement these designs by including new language in section "XVII. INTELLECTUAL PROPERTY", clause "a) Artwork"; and
  - b) Terminate the contract agreement between the City and Frank Stone.

Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

**W&M/Budget** – Your Committee, having received an additional recommendation from the Finance Department for the Capital Long-Range Improvement Committee (CLIC) Appointments, now recommends the appointment of Laura Jean (Council Ward 6), to fill the unexpired term of Alena Chaps from April 12, 2010 to December 31, 2010.

Adopted 4/16/2010.

**W&M/Budget** - Your Committee, having under consideration several City of Minneapolis General Obligation fixed rate bond series, now having interest rates above the current market and therefore presenting an opportunity to capture debt service savings through refunding, now recommends passage of the accompanying resolution requesting the Board of Estimate and Taxation to issue General Obligation Refunding Bonds in compliance with applicable Minnesota Statutes.

Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

Resolution 2010R-181, requesting that the Board of Estimate and Taxation issue and sell City of Minneapolis General Obligation Refunding Bonds, for certain purposes other than the purchase of public utilities, to refund outstanding General Obligation Bonds of the City of Minneapolis meeting the requirements for refunding under the City Charter and Minnesota Statutes, Section 475.67, as amended, was adopted 4/16/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

### RESOLUTION 2010R-181 By Hodges

Requesting that the Board of Estimate and Taxation issue and sell City of Minneapolis General Obligation Refunding Bonds, for certain purposes other than the purchase of public utilities, to refund outstanding General Obligation Bonds of the City of Minneapolis meeting the requirements for refunding under the City Charter and Minnesota Statutes, Section 475.67, as amended.

Resolved by the City Council of the City of Minneapolis (the "City"):

That, in order for the City to realize debt service savings, the Board of Estimate and Taxation is requested to incur indebtedness, and issue and sell City of Minneapolis General Obligation Refunding Bonds pursuant to Minnesota Statutes, Section 475.67, as amended, and the City Charter to refund in advance of maturity all or a portion of the outstanding principal amount of the following bond issues of the City:

- (1) General Obligation Parking Ramp Bonds, Series 2000A, issued on January 26, 2000, in the original principal amount of \$10,800,000 and currently outstanding in the principal amount of \$10,325,000, and subject to optional redemption on December 1, 2010 and any date thereafter;
- (2) General Obligation Tax Increment Bonds, Series 2000, issued on June 29, 2000, in the original principal amount of \$5,000,000 and currently outstanding in the principal amount of \$2,700,000, and subject to optional redemption on December 1, 2010 and any date thereafter;
- (3) General Obligation Various Purpose Bonds, Series 2001, issued on August 29, 2001, in the original principal amount of \$93,000,000 and currently outstanding in the principal amount of \$26,115,000, and subject to optional redemption on December 1, 2011 and any date thereafter;
- (4) General Obligation Improvement Bonds, Series 2001, issued on August 29, 2001, in the original principal amount of \$9,245,000 and currently outstanding in the principal amount of \$4,710,000, and subject to optional redemption on December 1, 2011 and any date thereafter;
- (5) General Obligation Various Purpose Bonds, Series 2002, issued on July 11, 2002, in the original principal amount of \$35,200,000 and currently outstanding in the principal amount of \$10,400,000, and subject to optional redemption on December 1, 2010 and any date thereafter;
- (6) General Obligation Convention Center Bonds, Series 2002, issued on July 11, 2002, in the original principal amount of \$108,200,000 and currently outstanding in the principal amount of \$87,500,000, and subject to optional redemption on December 1, 2010 and any date thereafter;
- (7) General Obligation Improvement Bonds, Series 2002, issued on November 7, 2002, in the original principal amount of \$5,890,000 and currently outstanding in the principal amount of \$3,380,000, and subject to optional redemption on December 1, 2010 and any date thereafter;

- (8) General Obligation Convention Center Bonds, Series 2002A, issued on November 7, 2002, in the original principal amount of \$48,400,000 and currently outstanding in the principal amount of \$22,575,000, and subject to optional redemption on December 1, 2010 and any date thereafter;
- (9) General Obligation Various Purpose Bonds, Series 2003, issued on July 10, 2003, in the original principal amount of \$68,615,000 and currently outstanding in the principal amount of \$18,660,000, and subject to optional redemption on December 1, 2010 and any date thereafter;
- (10) General Obligation Improvement Bonds, Series 2003, issued on November 6, 2003, in the original principal amount of \$6,130,000 and currently outstanding in the principal amount of \$3,375,000, and subject to optional redemption on December 1, 2010 and any date thereafter.

That the Finance Officer is authorized to transfer cash budgeted for debt service on the abovereferenced bond issues in 2010 and cash in excess of the cash level policy of a City enterprise to reduce the size of the refunding bonds and realize additional debt service savings.

That the Finance Officer shall report to the Council the results and savings realized on each series of general obligation refunding bonds after the closing with respect to each series of general obligation refunding bonds.

Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

**W&M/Budget**-Your Committee recommends passage of the accompanying resolution requesting that the Board of Estimate and Taxation incur indebtedness and issue and sell City of Minneapolis General Obligation Self Supporting Bonds in the amount of \$450,000 for the Minneapolis Park & Recreation Board's McKinstry Energy Efficiency Project (Petn No 274200).

Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

Resolution 2010R-182, requesting that the Board of Estimate and Taxation incur indebtedness and issue and sell City of Minneapolis General Obligation Self Supporting Bonds in the amount of \$450,000 for certain purposes other than the purchase of public utilities, was adopted 4/16/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

### RESOLUTION 2010R-182 By Hodges

Requesting that the Board of Estimate and Taxation incur indebtedness and issue and sell City of Minneapolis General Obligation Self Supporting Bonds in the amount of \$450,000 for certain purposes other than the purchase of public utilities.

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation be requested to incur indebtedness and issue and sell City of Minneapolis bonds in the amount of \$450,000, the proceeds of which are to be used for the Minneapolis Park & Recreation Board's 2010 McKinstry Energy Efficiency Project. Debt service for these bonds will be paid for using energy cost savings achieved and other Minneapolis Park & Recreation Board funds as necessary.

Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

**W&M/Budget -** Your Committee, having under consideration the Minneapolis Park & Recreation Board's 2010 Capital Improvement Projects not identified in the City's 2010 Capital Improvement Resolution 2009R-590, Glen Gale Totlot, Lake Hiawatha Wading Pool Replacement, and Parking Lot Rehab at Columbia, Folwell, Logan, and Van Cleve Parks, now recommends the following:

a) Approval of the said projects; and

b) Passage of the accompany resolution amending Resolution 2009R- 590, passed by the City Council on December 7, 2009 to identify the capital projects and funding amounts.

Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

Resolution 2010R-183, amending Resolution 2009R-590 entitled, "Requesting that the Board of Estimate and Taxation incur indebtedness and issue and sell City of Minneapolis bonds in the amount of \$16,665,000 for certain purposes other than the purchase of public utilities", passed December 7, 2009 to identify the projects and funding amounts, was adopted 4/16/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

### RESOLUTION 2010R-183 By Hodges

Amending Resolution 2009R-590 entitled, "Requesting that the Board of Estimate and Taxation incur indebtedness and issue and sell City of Minneapolis bonds in the amount of \$16,665,000 for certain purposes other than the purchase of public utilities", passed December 7, 2009.

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation be requested to incur indebtedness and issue and sell City of Minneapolis bonds, in the amount of \$16,665,000, the proceeds of which are to be used as follows:

### Municipal Building Commission, in the amount of \$996,000

MBC02 Mechanical Systems Upgrade 700,000

MBC04 MBC Elevators 230,000

MBC09 Critical Power Capital Project 66,000

Library Commitment to Hennepin County Library System 1,900,000

#### Park & Recreation Board, in the amount of \$1,000,000

PRKND Parks - Capital Net Debt Allocation 1,000,000

PRK02 Site and Totlot Rehab 250,000

PRK03 Rehab of Shelter Buildings and Wading Pools 425,000

PRK22 Parking Lot Reconstruction 325,000

### City Council, in the amount of \$12,769,000

ART01 Art in Public Places (ART10) 203,000

CDA01 Heritage Park Redevelopment/Central Corridor 200,000

PSD01 Facilities – Repair & Improvements (PS1001) 400,000

PSD03 Facilities - Space Improvements (PS1003) 500,000

PSD06 Pioneer & Soldiers Memorial Cemetery Fencing Rehab 250,000

PSD11 Energy Conservation and Emission Reduction (PS1011) 300,000

CTY02 City Property Reforestation 150,000

MPD05 Strategic Information Center 1,227,000

PV003 2010 Street Renovation Program (PV1003) 1,675,000

PV006 2010 Alley Renovation Program (PV1006) 175,000

PV029 Chicago Ave S (8th St S to 28th St E) 945,000

PV047 3rd Ave N Reconstruction 790,000

PV056 2010 Asphalt Pavement Resurfacing Program (PV1056) 400,000

BR101 Major Bridge Repair and Rehabilitation (BR1001) 300,000

SWK01 2010 Defective Hazardous Sidewalks (SWK10) 205,000

BIK04 18th Ave NE Bikeway 1,475,000

BIK08 Hiawatha Trail Connections 267,000

BIK13 RiverLake Greenway (East of I-35W) 630,000

TR003 LED Replacement Program (TR1003) 50,000

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TR007 Traffic & Pedestrian Safety Improvements (TR1007) 200,000

TR008 Parkway Street Light Replacement (TR1008) 150,000

TR010 Traffic Management Systems (TR1010) 470,000

TR011 City Street Light Renovation (TR1011) 100,000

TR013 Railroad Crossing Safety Improvements 150,000

TR015 Safe Routes to School (TR1015) 50,000

BIS02 Central Traffic Signal Computer Replacement 150,000

BIS03 Enterprise Document Management 100,000

BIS04 Enterprise Infrastructure Capacity Upgrade 500,000

BIS06 GIS Application Infrastructure Upgrade 200,000

BIS12 Mobile Assessor 150,000

BIS13 Risk Management & Claims Application System 252,000

BIS15 Master Data Management 155,000

Grand Total \$16,665,000

Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

**W&M/Budget** - Your Committee recommends approval of the application for a free Wireless Community account, for Teen Challenge located at 2300 Park Avenue S.

Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

### The ZONING & PLANNING Committee submitted the following reports:

**Z&P** - Your Committee, having under consideration the appeal filed by Lisa Hammer, on behalf of the West Bank Business Association, from the decision of the Board of Adjustment upholding the Zoning Administrator's determination that the inclusion of a web address on a way-finding banner in the public right of way is off-premise advertising and is therefore prohibited at the proposed locations, now recommends that said appeal be granted.

Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

**Z&P**-Your Committee, having under consideration the appeal filed by Richard Poppele, on behalf of the Prospect Park East River Road Improvement Association from the decision of the Heritage Preservation Commission approving an extension of interim protection for the proposed Prospect Park Historic District for a period of six months or until a decision on designation is made by the City Council, now recommends that the appeal be granted, and no extension of interim protection granted.

Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

**Z&P** - Your Committee concurs in the recommendation of the Planning Commission to deny the application of Wagner Partners to vacate part of the east/west section of the 14-foot alley near 6024 Penn Avenue S(#1566), and to adopt the related findings prepared by the Department of Community Planning & Economic Development.

Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

**Z&P** – Your Committee, having under consideration the *North Loop Small Area Plan*, now recommends concurrence in the recommendation of the Planning Commission that the findings prepared by the Department of Community Planning & Economic Development staff be adopted, that said Plan be adopted as a small area plan and as an articulation of and amendment to the policies found in the City's comprehensive plan *The Minneapolis Plan for Sustainable Growth*, subject to the following changes:

- a) Page 6-23, number four: "Evaluate new construction for its sensitivity to preserving significant views of existing landmarks and/or enhancing view corridors <u>from public spaces</u> that need further definition.";
- b) Ch. 3, Summary of Research, page 3-9: "The Streetcar Feasibility Study identifies a long-term streetcar network made up of seven corridors that could be implemented in 20-50 years, depending on funding availability is a 20-50 year vision for streetcar service in Minneapolis. The long-term network was developed from the most heavily used Primary Transit Network corridors that are both physically feasible for streetcar service, and that offer the greatest potential for long-term streetcar operation that meets the goals of increased ridership, increased attractiveness of transit to new markets, new connections between high capacity regional transit and local neighborhoods, enhanced environmental benefits, and the ability to catalyze redevelopment potential. The feasibility study also identified fourteen candidate corridors and then breaks each into "initial operable segments", or short segments, that can serve as building blocks to an ultimate line or system. Washington Avenue to West Broadway is a long-term route with Washington in Downtown as a possible initial operable segment;
- c) Page 6-17, "As an update to the original plan, the freeway viaduct should stay and be creatively used to promote it as an asset and not a barrier."
- d) Page 6-3, Paragraph 1: "Grade separated facilities have created pedestrian, auto, and bicycle barriers in the neighborhood for years. Engineering plans that should keep LRT vehicles at grade with other nodes of travel are preferred in an effort to maintain safe and functional pedestrian, auto, and cycling connections."
- e) Page 6-3. Insert after Paragraph 2: "<u>The Southwest LRT, Bottineau Transit Line, and any other proposed rail lines should be at street grade. Trains should not be elevated above or lowered below street grade. All transit projects, existing or proposed, should leave the streets and the connections better than current conditions."</u>
- f) Map A.3 Development Intensity Page 6-27: Reduce the Development Intensity District in the area boarded by Washington Ave, 3rd Avenue N, 1st Street North, and the rail lines from a District B to a District A.
  - 1. 100 3rd Avenue N PID 2202924140147
  - 2. 310 N 2nd St PID 2202924140016
  - 3. 116 3rd Ave N/124 3rd Ave N PID 2202924140018
  - 4. 200 3rd Ave N PID 2202924140156
  - 5. 300 Washington Ave N PID 2202924140023
  - 6. 326 Washington Ave N PID 2202924130126

and that staff be directed to begin a rezoning study to implement the adopted policy. Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

**Z&P** - Your Committee, to whom was referred an ordinance amending Title 20, Chapter 536 of the Minneapolis Code of Ordinances relating to *Zoning Code: Specific Development Standards*, (to modify the lighting standards of service area pump island canopies, instituting a maximum illumination level) now concurs in the recommendation of the Planning Commission that the related findings be adopted and that said ordinance be given its second reading for amendment and passage.

Your Committee further recommends that Chapter 535 be returned to author. Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

Ordinance 2010-Or-044 amending Title 20, Chapter 536 of the Minneapolis Code of Ordinances relating to *Zoning Code: Specific Development Standards*, amending Section 536.20 to add "automobile convenience facility" as a specific development standard, was adopted 4/16/2010 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2010-Or-044
By Schiff
Intro & 1st Reading: 2/15/2008
Ref to: Z&P
2nd Reading: 4/16/2010

Amending Title 20, Chapter 536 of the Minneapolis Code of Ordinances relating to Zoning Code: Specific Development Standards.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That the following specified development standard in Section 536.20 of the above-entitled ordinance be amended to read as follows:

**536.20 Specific development standards.** The uses listed below are subject to the following specific development standards, in addition to all other applicable regulations:

Automobile convenience facility.

- (1) The sale or repair of vehicles shall be prohibited.
- (2) The use shall employ best management practices regarding the venting of odors, gas and fumes. Such vents shall be located a minimum of ten (10) feet above grade and shall be directed away from residential uses. All storage tanks shall be equipped with vaportight fittings to preclude the escape of gas vapors from the fill pipes.
- (3) Service area canopy light fixtures shall be completely recessed within the canopy so that the lenses shall not extend beyond the surface of the canopy.
- (4) The total light output used for illuminating service area canopies shall not exceed forty (40) initial bare-lamp lumens per square foot of canopy.
- (4)(5) The premises, all adjacent streets, sidewalks and alleys, and all sidewalks and alleys within one hundred (100) feet shall be inspected regularly for purposes of removing any litter found thereon.
- (5)(6) Unattended, automated dispensing of gasoline or other engine fuel shall be prohibited. Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

#### **MOTIONS**

Lilligren moved to nominate the property known as the Samuel J. Hewson House at 2008 Pillsbury Avenue in Minneapolis for local historic designation and to establish interim historic protections pursuant to Minneapolis Code of Ordinances §599.240(b) covering all internal and external alterations to buildings, accessory structures and landscape features on the property, including demolitions, additions, renovations and other improvements. The Planning Director is directed to prepare the necessary documentation to bring this nomination forward to the Heritage Preservation Commission no later than May 19, 2010. Seconded.

Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

Goodman moved to nominate the property known as the James H. Dunn Residence at 337 Oak Grove in Minneapolis for local historic designation and to establish interim historic protections pursuant to Minneapolis Code of Ordinances §599.240(b) covering all internal and external alterations to buildings, accessory structures and landscape features on the property, including demolitions, additions, renovations and other improvements. The Planning Director is directed to prepare the necessary documentation to bring this nomination forward to the Heritage Preservation Commission no later than June 22, 2010. Seconded.

Adopted 4/16/2010.

Goodman moved to nominate the property known as the D.H. Lyon House at 419 Oak Grove in Minneapolis for local historic designation and to establish interim historic protections pursuant to Minneapolis Code of Ordinances §599.240(b) covering all internal and external alterations to buildings, accessory structures and landscape features on the property, including demolitions, additions, renovations and other improvements. The Planning Director is directed to prepare the necessary documentation to bring this nomination forward to the Heritage Preservation Commission no later than June 22, 2010. Seconded.

Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

Goodman moved to nominate the property at 425 Oak Grove in Minneapolis (currently known as "Ready for Success") for local historic designation and to establish interim historic protections pursuant to Minneapolis Code of Ordinances §599.240(b) covering all internal and external alterations to buildings, accessory structures and landscape features on the property, including demolitions, additions, renovations and other improvements. The Planning Director is directed to prepare the necessary documentation to bring this nomination forward to the Heritage Preservation Commission no later than June 22, 2010. Seconded.

Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

Goodman moved to nominate the property known as the Henry R. Higgins House at 2006 Laurel Avenue in Minneapolis for local historic designation and to establish interim historic protections pursuant to Minneapolis Code of Ordinances §599.240(b) covering all internal and external alterations to buildings, accessory structures and landscape features on the property, including demolitions, additions, renovations and other improvements. The Planning Director is directed to prepare the necessary documentation to bring this nomination forward to the Heritage Preservation Commission no later than June 22, 2010. Seconded.

Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

#### RESOLUTIONS

Resolution 2010R-184, honoring City of Minneapolis Block Clubs, was adopted 4/16/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

#### RESOLUTION 2010R-184

By Samuels, Reich, Gordon, Hofstede, Johnson, Lilligren, Goodman, Glidden, Schiff, Tuthill, Quincy, Colvin Roy and Hodges

### Honoring City of Minneapolis Block Clubs.

Whereas, April has been nationally designated as Volunteer Recognition Month; and

Whereas, the Block Clubs in Minneapolis are the foundation for safe neighborhoods to live, play, work, and worship in; and

Whereas, Block Clubs are frequently the first example of community involvement for youth; and Whereas, Block Clubs teach youth to altruistically be involved in helping others; and

Whereas, Block Clubs and their members proactively problem solve neighborhood issues with Minneapolis Police Department Crime Prevention Specialist and together access resources within The City of Minneapolis; and

Whereas, over 1,500 Block Clubs function in all neighborhoods of The City of Minneapolis; and

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Whereas, Neighbors positively interact with each other through Block Club meetings and activities; and

Whereas, Block Club members and their Leaders annually coordinate many community building events such as National Night Out, clean-up days, and barbeques; and

Whereas, The City of Minneapolis has become a national leader in hosting numerous National Night Out Celebrations in the United States; and

Whereas, Block Club members donate hundreds of non-remunerated hours into their communities for the benefit of all;

Now, Therefore Be It Resolved by The City Council of The City of Minneapolis:

That the 16th day of April, 2010, be proclaimed as Block Club Recognition Day in the City of Minneapolis.

Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

Resolution 2010R-185, honoring Minneapolis College of Art and Design, was adopted 4/16/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

#### RESOLUTION 2010R-185

By Lilligren, Reich, Gordon, Hofstede, Johnson, Samuels, Goodman, Glidden, Schiff, Tuthill, Quincy, Colvin Roy and Hodges

### Honoring Minneapolis College of Art and Design.

Whereas, the Minneapolis College of Art and Design has been a Minneapolis institution since 1886, with a student body of 28 and has grown with Minneapolis, now educating more than 700 students from 29 states and 12 foreign countries; and

Whereas, the Minneapolis College of Art and Design is accredited at the highest level by the National Association of Schools of Art and Design and the North Central Association of Colleges and Schools, providing students the environment and curriculum to transform their world as creative professionals; and

Whereas, the Minneapolis College of Art and Design is recognized nationally and internationally for its innovative academic programs, offering Bachelor of Fine Arts majors in advertising, animation, comic art, drawing/painting, filmmaking, fine arts studio, furniture design, graphic design, Illustration, Photography, print paper book, sculpture, and web + multimedia environments; Bachelor of Science specializations in communication, management, and the visual arts; and a Master of Fine Arts degree program fashioned on the European model of advanced mentorship and study; and

Whereas, the Minneapolis College of Art and Design is located in the Whittier neighborhood of Minneapolis, offering students an ideal mix of support and challenge, encouraging community participation and engagement in the arts through its exhibitions, Youth Programs, lectures, special events and Continuing Studies Program; and

Whereas, on Saturday, April 17, 2010, the Minneapolis College of Art and Design will inaugurate its sixteenth president, Jay Coogan; and

Whereas, the arts are invaluable part of the social and economic fabric of the city of Minneapolis; creating, supporting and demonstrating community throughout Minneapolis; and

Whereas, the City of Minneapolis thanks the Minneapolis College of Art and Design for the vital role they play in Minneapolis' arts community,

Now, Therefore, Be It Resolved by City Council of The City of Minneapolis:

That Saturday, April 17, 2010, be proclaimed as Minneapolis College of Art and Design Day in The City of Minneapolis.

Adopted 4/16/2010.

Resolution 2010R-186, honoring the Minnesota Transition Charter School's Boys Basketball Team, was adopted 4/16/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

#### RESOLUTION 2010R-186

By Johnson, Reich, Gordon, Hofstede, Samuels, Lilligren, Goodman, Glidden, Schiff, Tuthill, Quincy, Colvin Roy and Hodges

#### Honoring Minnesota Transition Charter School's Boys Basketball Team.

Whereas, Minnesota Transitions Charter School (MTS) is one of the first charter schools to be active in the Minnesota High School League; and

Whereas, MTS has been in the state tournament three times in a row; and

Whereas, The varsity team includes: Team captains are Kevin Noreen, Mac Ingram and DeAngelo Potter and team members Damico Anderson, Richard Bland, Divelia Freeman, Terence Lofton, Kyle Noreen, Forest Olivier, Rodney Owens, Tevin Sims, Nate Wilkins and Tyrese Chambers; and

Whereas, Coaches are John Sherman, Jerry Noreen, Bruce Weston and Troy Williamssen. The athletic director is Justin Birchem, the principal is Bill Glenz and the MTCS Superintendent is Tony Scallon; and

Whereas, MTS did win the state championship in the boys basketball tournament with Kevin Noreen, Kyle Noreen and Rodney Owens being all tournament; and

Whereas, Kevin Noreen has been named Metro Player of the year and Mr. Basketball; and Whereas, All members of the team contributed to the game and played in the Tournament; and Whereas, MTS was the only Minneapolis based team to win a state tournament this year;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That Friday, April 16, 2010 be proclaimed as Minnesota Transition Charter School's Boys Basketball Team Day in The City of Minneapolis.

Be It Further Resolved that the Minneapolis City Council honors all members of the team and honors MTS for being the first Charter School to win any state sports tournaments in Minnesota.

Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

#### **NEW BUSINESS**

Glidden, on behalf of Schiff, moved to introduce the subject matter of an ordinance amending Title 14, Chapter 360 of the Minneapolis Code of Ordinances relating to *Liquor and Beer: In General*, for first reading and referral to the Regulatory, Energy & Environment Committee (amending section 360.70 relating to special late hours food license). Seconded.

Adopted by unanimous consent 4/16/2010.

Absent - Schiff, Colvin Roy.

Lilligren moved to adjourn to Room 315 City Hall to consider the matters of: a) *Kolhoff v. Fuchs and Steberg*, Case No. 08-5780; and *b) Michael Keefe v. City of Minneapolis, et al*, Hennepin County District Court File No. 27-CV-09-20100. Seconded.

Adopted upon a voice vote 4/16/2010.

### **APRIL 16, 2010**

Room 315 City Hall

Minneapolis, Minnesota

April 16, 2010 - 10:48 a.m.

The Council met pursuant to adjournment.

Council President Johnson in the Chair.

Present – Council Members Goodman, Hodges, Samuels, Gordon, Reich, Lilligren, Tuthill, Hofstede, Quincy, Glidden, President Johnson.

Absent - Council Members Schiff, Colvin Roy.

Peter Ginder, Deputy City Attorney, stated that the meeting may be closed for the purpose of discussing attorney-client privileged matters involving the matters of: a) *Kolhoff v. Fuchs and Steberg,* Case No. 08-5780; and *b) Michael Keefe v. City of Minneapolis, et al*, Hennepin County District Court File No. 27-CV-09-20100.

At 10:49 a.m., Lilligren moved that the meeting be closed. Seconded.

Adopted upon a voice vote.

Absent - Hofstede, Schiff, Colvin Roy.

Present – Council Members Goodman, Hodges, Samuels, Gordon, Reich, Lilligren, Tuthill, Hofstede (in at 10:54 a.m.) Quincy, Glidden, President Johnson.

Absent - Council Members Schiff, Colvin Roy.

Also Present – Susan Segal, City Attorney; Peter Ginder, Deputy City Attorney; Jim Moore and Tim Skarda, Assistant City Attorneys; Scott Gerlicher, Deputy Chief/Police Department; Tina Sanz, Assistant City Clerk; and Irene Kasper, City Clerk's Office.

Moore summarized the *Michael Keefe v. City of Minneapolis, et al*, Hennepin County District Court File No. 27-CV-09-20100 lawsuit from 10:50-11:02 a.m.

Skarda summarized the *Kolhoff v. Fuchs and Steberg*, Case No. 08-5780 lawsuit from 11:02-11:12 a.m.

At 11:12 a.m., Lilligren moved that the meeting be opened. Seconded.

Adopted upon a voice vote.

Absent - Schiff, Colvin Roy.

Hodges moved to approve the settlement of the case of *Micheal Keefe v. City of Minneapolis, et al.*, Hennepin County District Court File No. 27-CV-09-20100, in the amount of \$75,000.00, payable to Michael Keefe and his attorneys, Mansfield, Tanick and Cohen, P.A. Payment shall be from Fund/Org. 06900 1500100 145300. The City Attorney's Office is hereby authorized to execute any documents necessary to effectuate the settlement. Seconded.

Adopted 4/16/2010.

Absent - Schiff, Colvin Roy.

Lilligren moved to adjourn. Seconded.

Adopted upon a voice vote.

### **APRIL 16, 2010**

The adjourned session of the City Council meeting was tape recorded with the tape on file in the office of the City Clerk.

Tina Sanz, Assistant City Clerk.

Unofficial Posting: 4/20/2010 Official Posting: 4/26/2010

Correction: 5/04/2010, 6/24/2010; 9/16/10